



2011 Legislative Digest

*A Guide to Energy and Environment
Legislation In the South*

July 2011

Covering measures in 16 states and two U.S. territories
With an introduction by
Representative Rocky Adkins, Kentucky
SSEB Vice-Chairman



Acknowledgments

The Southern States Energy Board's **2011 Legislative Digest** is compiled each year in collaboration with member states and territories. We would like to thank the Board members, legislative research staff and state administrative officials and their staffs for assisting us in compiling and reviewing the **Digest**.

Published by
Southern States Energy Board
6325 Amherst Court
Norcross, Georgia 30092

Phone: (770) 242-7712
Fax: (770) 242-9956
Web: www.sseb.org
Email: sseb@sseb.org

Table of Contents

Acknowledgments	2
Representative Rocky Adkins.....	5
Introduction.....	7
Categories of Energy Legislation.....	13
Categories of Environmental Legislation.....	15
Matrices and Graphs.....	17
Matrices and Graphs Abbreviations.....	18
Matrices of 2011 Energy and Environmental Legislation.....	19
Overall Energy Legislation	20
Overall Environmental Legislation	21
Southern States Energy Board Member States	
Alabama	22
Arkansas	28
Florida.....	35
Georgia.....	46
Kentucky	51
Louisiana.....	56
Maryland.....	64
Mississippi	73
Missouri	80
North Carolina	87
Oklahoma.....	99
Puerto Rico	104
South Carolina	107
Tennessee.....	111
Texas	119
U.S. Virgin Islands.....	142
Virginia	145
West Virginia	168
Southern States Energy Board.....	177
2010-2011 Executive Committee.....	178
Members of the Board	179





Representative Rocky Adkins

State Representative Rocky Adkins currently serves as House Majority Floor Leader after being chosen for the post by his Democratic colleagues in November, 2003. A long-time veteran of the Kentucky House of Representatives, he is now serving in his 25th year as a Legislator.

A native of Sandy Hook, Kentucky, Representative Adkins is a graduate of Elliott County High School and Morehead State University, where he also received his Master's Degree in Secondary Education.

In 1986, Representative Adkins was elected to the 99th House District at the age of 26, making him one of the youngest members ever elected to serve in the Kentucky legislature. Representative Adkins quickly accumulated legislative responsibilities and served on a number of influential committees, including the House Appropriations & Revenue Committee and the Budget Review Subcommittee on Transportation.

A leader in the field of energy independence, Representative Adkins has introduced several ground-breaking pieces of legislation that will help our nation achieve energy self sufficiency in the coming years. His legislation includes incentives for the conversion for coal to transportation fuels, use of agricultural products for energy such as biodiesel, biomass, ethanol and cellulose and greater utilization of renewable energy sources such as wind, solar and hydro.

Representative Adkins' legislative initiatives also promote conservation and incentives for energy efficient home building and construction. He was appointed Vice Chair of the Southern States Energy Board in 2008 by Chairman, Governor Joe Manchin, who called Representative Adkins, "the South's lead legislator on energy."

Representative Adkins is a 14-year survivor of cancer and he actively raises funds for research by sponsoring an annual golf tournament entitled the "Rocky Adkins Charity Golf Outing Cure for Cancer." The tournaments have raised more than \$1 million since 1995.





Introduction

Representative Rocky Adkins

It is my privilege to present the 2011 **Energy and Environmental Legislative Digest**. For more than four decades, the Southern States Energy Board has published this **Digest**, and each year the Board endeavors to ensure that the information representing the legislative trends in the South is accurate and complete.

A compendium of energy and environmental legislation enacted by the Board's 18 member states and territories during the 2011 legislative session, this document thoroughly examines legislation passed state by state. No other document provides such a comprehensive review of energy and environmental legislation in our member states.

Precise state by state bill summaries are categorized for easy comparison. Energy measures are divided among the following categories: *Alternative Energy Development, Coal and Minerals, Emergency Management and Homeland Security, Energy Efficiency, Natural Gas and Petroleum, Reorganization and Coordination, and Utilities*.

Many acts could easily fit into several of these categories as they seek to dramatically improve our energy independence. Energy related matters accounted for 33 percent of the total legislation summarized in this document. The largest topic areas this year were *Utilities* where there were 51 bills passed and *Alternative Energy Development* with the passage of 40 bills.

Environmental measures are divided into the following categories: *Air Quality and Pollution Control, Coastal Zone Management, Emergency Management and Homeland Security, Environmental Health Services, Hazardous Waste and Substance Management, Inland Water Resource Management and Conservation, Radioactive Waste, Reorganization and Coordination, Solid Waste, and Water Quality and Pollution Control*. About 67 percent of the total legislation featured in the **Final Digest** was related to the environment. The largest two categories were *Inland Water Resource Management and Conservation* and *Land Management and Conservation*. These two categories combined for 140 pieces of legislation.

When examining legislation passed state-by-state it is not unusual to observe certain trends or themes. This year was no different. The most apparent, yet least surprising trend involved the adoption of certain climate change legislation. Twelve of our 18 member states attempted and 6 adopted legislation to limit the regulation of greenhouse gases or urge the U.S. Congress to prohibit the U.S. Environmental Protection Agency (EPA) from regulating greenhouse gases or imposing other regulations that would hamper economic growth. Another, though less prevalent trend involved measures promoting electric and alternative fueled vehicles. Four separate states adopted a total of 6 such measures involving tax and other incentives for the purchase and operation of electric and alternative fueled vehicles. Another interesting trend in the alternative energy arena provided various incentives to support the development of renewable energy enterprise or economic zones. Similarly, a number of states addressed



revitalizing brownfields to encourage alternative business development and recreational activities that would provide substantial economic benefits to the state. In addition, several states have passed bills and resolutions in response to the impact of natural disasters on their economies. Finally, another trend involved efforts to prevent contamination of state waters and to control water quality. To that end, 3 states passed legislation designed to prevent or control the use of phosphorus in detergents and fertilizers.

While many states addressed similar issues, each state also had specific areas of law that warranted special attention. That said, each SSEB member state's highlights are summarized in the following section.

Alabama adopted 20 energy and environmental bills during the 2011 legislative session. Most importantly, in HB 50, Alabama aggressively addressed coal-combustion by-products. HB 50 removes the existing solid waste exemption from coal-combustion by-products including fly ash and makes these by-products subject to federal regulation as solid waste. It also stipulates that any future regulation of coal-combustion by-products must be consistent with federal requirements until new federal rules are in place. Alabama also passed legislation dealing with fertilizers and pesticides, reserving the regulation of fertilizer to the state. Finally, Alabama along with several other states adopted a resolution urging Congress to prohibit or curtail EPA's ability to regulate greenhouse gases. Perhaps most importantly for the state's economy was SB 493, the Tornado Recovery Tax Incentive Protection Act of 2011. The legislation provides protection for the granting and extension of economic benefits.

During the 2010 legislative session, **Arkansas** passed 26 pieces of legislation related to energy and the environment. The Legislature adopted a couple of alternative fuel measures related to the Arkansas Alternative Fuels Development Program. HB 1050 and HB 1914 provide incentives to convert vehicles to operate on compressed natural gas. SB 875 expands the definition of biofuels and biomass to include gaseous material and SB 876 allows biofuels to satisfy a public utilities' efficiency and conservation goals. Finally, HCR 1007 calls for a study of the uses and benefits of lignite including uses for generating electricity and for synthetic oil and gas. Arkansas also passed significant legislation regarding their Public Service Commission (PSC). HB 1895 allows the PSC to determine a public utility's need for additional energy supply in a proceeding separate from other proceedings on a proposed plant. The bill clarifies the law regarding the ability of utilities to declare a particular project "exempt" from certain regulatory hearing proceedings if the utility does not intend to recover construction or operations costs for the project from its ratepayers. The bill will also clarify how the courts may construe the law regarding the jurisdiction of the PSC.

Florida adopted 35 energy and environmental bills and followed a trend of reversing climate change related initiatives. To that end, Florida passed SB 2156 which abolishes the Florida Energy and Climate Change Commission and transfers its duties and responsibilities to the Department of Agriculture and Consumer Services. Specific responsibilities were assigned to various state agencies such as the Department of Emergency Management and the Department of Environmental Protection. Florida



also saw the adoption of several water bills creating special drainage districts and addressing water resource administration and use.

Georgia passed 17 energy and environmental bills. A bill promoting alternative vehicle fuels led the way. SB 108 promotes investment in alternative fuels by allowing natural gas companies to use universal service funds for natural gas fueling infrastructure. During the 2011 Extraordinary Session, the General Assembly ratified an Executive Order temporarily suspending a scheduled motor fuels tax increase until December 31, 2011. The fiscal impact of this action designed to help citizens and businesses cope with rising fuel prices is \$40 million. Another issue high on Georgia's legislative agenda involved the recent and ongoing drought. SR 15 created a Joint Committee on Water Supply to examine the status of the state's reservoir system and analyze the state's strategic need for additional water.

Kentucky adopted 14 energy and environmental bills. HB 259 and SB 50 address carbon capture and storage. HB 259 authorizes the Kentucky Department of Environmental Quality to seek CCS projects, provides for pooling of pore space to create storage reservoirs, and encourages discussions with surrounding states regarding the potential for subsurface migration of stored carbon dioxide. Senate Bill 50 significantly grants eminent domain authority to companies constructing carbon dioxide transmission pipelines and declares them eligible for state tax and other incentives. Finally, Kentucky also adopted the resolution encouraging Congress to prohibit the EPA from regulating greenhouse gas emissions. Furthermore, the Kentucky General Assembly passed HB 433 to establish a five member waste tire working group in the Energy and Environment Cabinet. The legislators also authorized the creation of a regional wastewater commission as a pilot project in several counties.

In **Louisiana**, 15 bills covering energy and environmental issues passed the legislature. In the energy area, legislators passed bills supporting the development of alternative fuels and substances. HB 70 gives authorization to an agency of a political subdivision to acquire or be provided equipment or refueling facilities for alternative fueled or hybrid vehicles. Under environment, SB 145 addresses the extension of the historic Gulfward Boundary. The law provides for the Boundary to extend into the Gulf of Mexico 3 marine leagues from the coastline which is equal to 9 geographic miles.

Thirty-five bills related to energy and the environments were passed by **Maryland** legislators this year. Maryland legislators adopted a suite of bills to advance solar energy use in the state. HB 163 establishes the Maryland Electric Vehicle Infrastructure Council, SB 176 creates a pilot program for charging electric vehicles and SB 179 allows a tax credit for the purchase of electric vehicles. Also to protect water quality, Maryland adopted two bills, SB 320 and SB 487 regulating the use of phosphorus and other chemicals in detergents and fertilizers.

The **Mississippi** legislature adopted 24 bills addressing energy and environmental matters. This session, Mississippi joined the ranks of states adopting carbon capture and storage legislation. SB 2723 establishes the regulatory framework for geologic storage in Mississippi. The bill allows operators engaged in enhanced oil recovery to opt



in as geologic storage facilities and grants the ability to acquire the necessary property rights to create a storage reservoir through unitization.

The **Missouri** legislature adopted 14 energy and environmental bills during the 2011 legislative session. However, none were as controversial as SCR 1. By reversing a prior Public Service Commission ruling imposing geographical restrictions on the purchase of renewable energy credits, SCR 1 allows electric utilities to meet Missouri's Renewable Energy Portfolio Standard by purchasing renewable energy credits or offsets outside the state and/or region. Missouri also expanded the use of renewable energy credits under SB 48 and weighed in on the EPA's greenhouse gas regulatory efforts by adopting HCR 42 urging Congress to prohibit the EPA from implementing such regulations.

The **North Carolina** legislature adopted 34 energy and environmental measures. SB 75 expands North Carolina's Renewable Energy Portfolio Standard program allowing electricity demand reductions to qualify for credits. HB 119 makes multiple significant changes to state environmental laws, such as aligning the definition of solid waste with the federal definition and streamlining the permit process for sewer system construction. The North Carolina legislature also adopted bills promoting electric vehicles. Under HB 222, electric vehicles are exempt from emissions testing requirements and allowed access to high occupancy vehicle lanes. In addition, North Carolina has passed 3 measures dealing with biofuels and biomass. Senate Bill 378 involves the North Carolina InterAgency group in the development of biofuel feedstock crops, while SB 484 and SB 710 allow electric utilities to receive Renewable Energy Credits for certain uses of poultry waste as fuel.

Finally, North Carolina law makers adopted a resolution to establish a Joint Regulatory Reform Committee of the General Assembly. The Committee will consider statutory changes based on comments and input from the public, the regulated community and agencies. The Committee will also review the rulemaking process to determine if adequate consideration is given to the potential impact on job creation when adopting rules.

The **Oklahoma** General Assembly considered and adopted 34 energy and environmental bills. SB 124 stands out because it prohibits wind turbine companies from using eminent domain to erect or site wind turbines on private property. The legislature also amended the Oklahoma Carbon Sequestration Enhancement Act. Among other things, SB 629 defines "pore space" and vests pore space ownership in the surface estate while maintaining dominance of the mineral estate. Oklahoma also considered bills involving water reuse. House Bill 1575 and SJR 24, respectively allow the use of gray water for certain expanded purposes and require a report on the implementation of the state's water reuse plan.

This year **Puerto Rico** adopted only one energy Bill. SB 1953 continues the government of Puerto Rico's State of Emergency allowing the government to expedite implementation of various sustainable renewable energy and alternative renewable energy projects.



Seven bills related to energy and the environment were passed by **South Carolina's** Senate and House this year. Senate Bill 766 authorizes electric cooperatives to use unclaimed distributions for renewable energy and energy efficiency initiatives. The Interstate Wildlife Violator Compact was enacted under HB 3374 to promote compliance relating to wildlife resources in the respective member states.

Tennessee enacted 30 pieces of legislation related to energy and the environment. HR 98 urges the Tennessee Department of Environment and Conservation, Tennessee Oil and Gas Association, League of Women Voters, and Tennessee Conservation Voters to collaborate on proposing regulations for hydraulic fracturing. An interesting bill extended the deadline for completion of a study to cap utility rates for senior citizens. Other energy legislation included SB 1500 protecting high-voltage electric transmission wires from obstruction and SB 845 involving service requirements for utility district.

During the 82nd Legislature, **Texas** lawmakers adopted 110 measures relating to energy and environmental issues. Among the most notable were several important bills to make it easier and more efficient to install and use solar energy, requiring disclosure of chemicals used in natural gas hydraulic fracturing or “fracking” operations, and setting priorities for the restoration of electric power after an outage. A number of bills were passed that seek to involve both public and private sector entities in achieving the state’s energy efficiency goal through various mechanisms.

Additionally, there were important changes made to the Texas Commission on Environmental Quality (TCEQ). Under the bill, TCEQ may increase fines from \$10,000 to \$25,000 a day for violations, up from \$10,000. The bill also limits the public's ability to request hearings in certain situations. Also of significance, the legislature failed to pass comprehensive bills reauthorizing both the Public Utilities Commission and the Railroad Commission; however, they were continued through 2013, when they will undergo the full review process once again.

The **Commonwealth of Virginia** passed 102 pieces of energy and environmental legislation. Ten renewable energy bills serve as the centerpiece of the Commonwealth’s energy and environmental legislation. These 10 bills are designed to advance clean and renewable energy and boost the development of pilot projects and new technology. The bills include measures that will allow for solar generation demonstration projects, increase the amount of electricity a homeowner or business can generate, and create a voluntary solar resource development fund. The measures also call for the creation of a clean energy manufacturing grant program, which will provide financial incentives to companies that make or assemble equipment used to produce nuclear or renewable energy or products used for conservation, storage, or grid efficiency purposes.

In addition to increasing opportunities to advancing renewable energy in the state, state law makers also addressed mine safety, mine workers’ compensation coverage, mine inspections tax credit, and rate making incentives for the use of coalbed methane under certain conditions. SB 1111 extended the sunset date for the redemption or refund provision of the Coal Employment and Production Incentive Tax Credit from July 1, 2011 to July 1, 2016.



Finally, the Commonwealth represents yet another state adopting a resolution urging Congress to restrict the EPA's authority to regulate greenhouse gases. The legislature also repealed air emissions laws and regulations related to the Clean Air Interstate Rule, often referred to as CAIR until certain actions by the U.S. EPA and/or the State Air Pollution Control Board occur. Another environmental focus for the legislators was water quality and protection with the passage of numerous bills.

At the time of publication, the ***U.S. Virgin Islands*** had adopted 2 bills and 4 resolutions in the energy and environmental area. SB 29-0016 most significantly mandates that the Virgin Islands Water and Power Authority (WAPA) install all electrical lines underground to ensure the sustainability and continuity of utility service in the event of a natural disaster. Senate Bill 29-0037 removes the customs duty excise tax exemption for appliances and lighting that use direct current (DC) electricity.

Thirty bills related to energy and environment passed the ***West Virginia*** legislature. Not surprisingly, mine safety was a prime consideration for West Virginia legislators. The 2011 legislature adopted bills that protect whistleblowers of unsafe mine working conditions, provide tax credits for the purchase of mine safety equipment and authorize a study of mandating the use of methane detection automatic shutoff equipment in mines. Another significant issue related to coal mining was addressed by SB 1002, which allocates a portion of the coal severance tax to the county of the coal's origin for infrastructure and development projects. It will return 5 percent of coal severance taxes, up to a total \$20 million per fiscal year, back to coal producing counties based on a specific production-related formula. Additionally, West Virginia adopted SB 465, which amended the Marcellus Gas and Manufacturing Development Act to detail the valuation of oil and gas drilling rigs, basing the value on a nationally recognized guide or bulletin published during the calendar year of assessment. Finally, the West Virginia's lawmakers took a strong stance on recommendation about restricting the U.S. EPA's powers and urged the U.S. EPA to reconsider its January 13, 2011 action to veto a permit issued to the Spruce Mine by the U.S. Army Corps of Engineers.

Representative Rocky Adkins
Commonwealth of Kentucky
SSEB Vice-Chair



Categories of Energy Legislation

The following categories are used in the ***Digest*** to best organize the wide array of legislation found in the South. The purpose of this section is to familiarize the reader with the possible categorical legislative trends in the southern region. Legislation is first categorized by state and then by category.

Alternative Energy Development

The category of *Alternative Energy Development* includes legislation related to the barriers and costs associated with the development and use of alternative energy sources, uses and technologies.

Coal and Minerals

The category of *Coal and Minerals* addresses all aspects of coal and mineral extraction, production and transportation. Legislation in this area encompasses mineral rights, mine safety and inspection, royalty distribution and crushing operations. (See *Land Management and Conservation* under **Environmental Legislation** for new laws relating to land restoration.)

Emergency Management and Homeland Security

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies involving critical energy infrastructure and supply. These emergencies may require intrastate, interstate and/or national response and includes intentional acts of terrorism.

Energy Efficiency

The category of *Energy Efficiency* includes legislation pertaining to the development and promotion of energy efficient technologies and programs for buildings, homes, transportation, power systems and industry and related energy conservation issues.

Natural Gas and Petroleum

The category of *Natural Gas and Petroleum* addresses regulations on all aspects of natural gas and petroleum exploration, development, production, importation, transportation, storage and marketing.

Reorganization and Coordination

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities or functions of existing state governmental agencies and departments that handle energy matters. Such legislation includes the creation of or changes in department or commission responsibilities and the requirements regarding notice to or coordination of agencies.



Utilities

The category of *Utilities* focuses on legislation affecting water, gas and electric services provided by utility and power companies. The types of legislation enacted in this area deal with changes in rates, production, distribution, services, operations, least cost planning and the location of utility services.



Categories of Environmental Legislation

Air Quality and Pollution Control

The category of *Air Quality and Pollution Control* includes legislation regarding various pollutants that are released and emitted into the atmosphere. Specifically, measures in this category include air quality control acts, emission standards, acid rain initiatives and ozone non-attainment.

Coastal Zone Management

The category of *Coastal Zone Management* involves the preservation and enhancement of both off-shore and on-shore environments, including coastal landforms and marine ecosystems. Measures within this category include shore erosion controls, protection of aquatic vegetation and offshore reefs, control of marine harvests and federal-state consistency provisions.

Emergency Management and Homeland Security

The category of *Emergency Management and Homeland Security* addresses the role of state governments in response to natural or man-made emergencies which compromise environmental security and health. These emergencies may require intrastate, interstate and/or national response and include intentional acts of terrorism.

Environmental Health Services

The category of *Environmental Health Services* includes measures enacted to discourage and prevent activities, which disrupt life-support systems for humans and other species, damage wildlife and human health and produce nuisances such as noise.

Hazardous Waste and Substance Management

The category of *Hazardous Waste and Substance Management* contains legislation relating to toxic substances. The primary purpose of this legislation is to control the production, transportation, use and disposal of toxic substances and wastes. (See *Radioactive Waste* for new laws relating to radioactive materials; see *Solid Waste* for new laws relating to non-toxic materials.)

Inland Water Resource Management and Conservation

The category of *Inland Water Resource Management and Conservation* consists of legislation related to the conservation, permitting, management and protection of inland water sources and/or reservoirs (e.g., lakes, rivers, streams and tributaries, groundwater, etc.). It includes measures that provide for the capture and control of the water supply, management and protection of wetlands and watersheds and the regulation of outdoor water activities such as fishing and boating. The category also includes measures pertaining to the responsibility, function and jurisdiction of relative state and local government agencies.



Land Management and Conservation

The category of *Land Management and Conservation* incorporates legislation concerning the management and protection of public and private lands and ecosystems. Legislation in this category includes land and growth management, land reclamation and restoration activities, including brownfield mitigation, soil erosion, abatement and prevention, environmental covenants, forestry and timber harvesting, hunting regulations and park management.

Radioactive Waste

The category of *Radioactive Waste* focuses on legislation related to the proper handling, storage, transportation and disposal of high-level and low-level radioactive waste. High-level radioactive waste includes spent fuel and other high-level wastes generated from nuclear operations. Low-level radioactive waste includes any material discarded from a nuclear operation that has been exposed to radiation.

Reorganization and Coordination

The category of *Reorganization and Coordination* is composed of legislation affecting the responsibilities and functions of existing state governmental agencies and departments that handle environmental matters. Such legislation includes the creation of or changes in department or commission responsibilities and regarding notice to or coordination of agencies.

Solid Waste

The category of *Solid Waste* entails legislation relating to the treatment, disposal and/or recycling of refuse, scrap, tailings, chemical effluents, litter and agricultural or industrial wastes. While some legislation uses the term “solid waste” and “hazardous waste” interchangeably, this digest will use “solid waste” for those wastes that are non-toxic and “hazardous waste” for toxic materials. (See *Radioactive Waste* for all radioactive waste materials; see *Hazardous Waste and Substance Management* for regulation of toxic substances.)

Water Quality and Pollution Control

The category of *Water Quality and Pollution Control* concerns the purity of water as a resource for public and industrial uses. Legislation within this category pertains to quality control measures that guard against the contamination of water supplied by lakes, rivers, streams and tributaries and/or groundwater. Furthermore, this category contains legislation relating to the recycling of contaminated water and/or sewage.



Matrices and Graphs

The matrices and graphs on the following pages illustrate energy and environmental quality legislative trends observed in SSEB member states during this year's legislative session. The matrices provide readers with a quick view of a state's activity in each area.

The bar graphs on "Energy Legislation" and "Environmental Legislation" show the number of states enacting legislation by category during the year. A list of abbreviations used in the graphs is provided. Readers should refer to the categories section for more information on the criteria used in placing legislation in categories.



Matrices and Graphs Abbreviations

Energy Legislation

AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities

Environmental Legislation

AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination
SW	Solid Waste
WQPC	Water Quality and Pollution Control

Legislation Prefix

SB	Senate Bill
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
SR	Senate Resolution
HB	House Bill
HCR	House Concurrent Resolution
HJR	House Joint Resolution
HR	House Resolution



Matrix of 2011 Energy Legislation

Types of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AED		✓				✓	✓		✓	✓	✓	✓			✓		✓	✓
CM		✓			✓		✓								✓		✓	✓
EMHS	✓														✓			✓
EE		✓	✓	✓		✓	✓			✓	✓				✓		✓	✓
NGP	✓	✓	✓	✓		✓		✓		✓	✓			✓	✓	✓	✓	✓
RC		✓	✓	✓				✓		✓	✓				✓	✓	✓	
U		✓			✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓

Matrix of 2011 Environmental Legislation

Types of Legislation	AL	AR	FL	GA	KY	LA	MD	MS	MO	NC	OK	PR	SC	TN	TX	VI	VA	WV
AQPC	✓				✓			✓	✓		✓			✓	✓		✓	
CZM	✓		✓	✓		✓	✓	✓		✓			✓		✓	✓	✓	✓
EMHS			✓			✓		✓		✓					✓			
EHS	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓
HWSM	✓	✓		✓	✓					✓	✓				✓			✓
IWRMC	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓			✓	✓		✓	
LMC	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓		✓	✓
RW														✓	✓			
RC	✓		✓			✓	✓	✓	✓	✓			✓	✓	✓		✓	✓
SW	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓			✓	✓		✓	
WQPC	✓	✓	✓		✓	✓	✓	✓		✓	✓			✓	✓		✓	

Energy

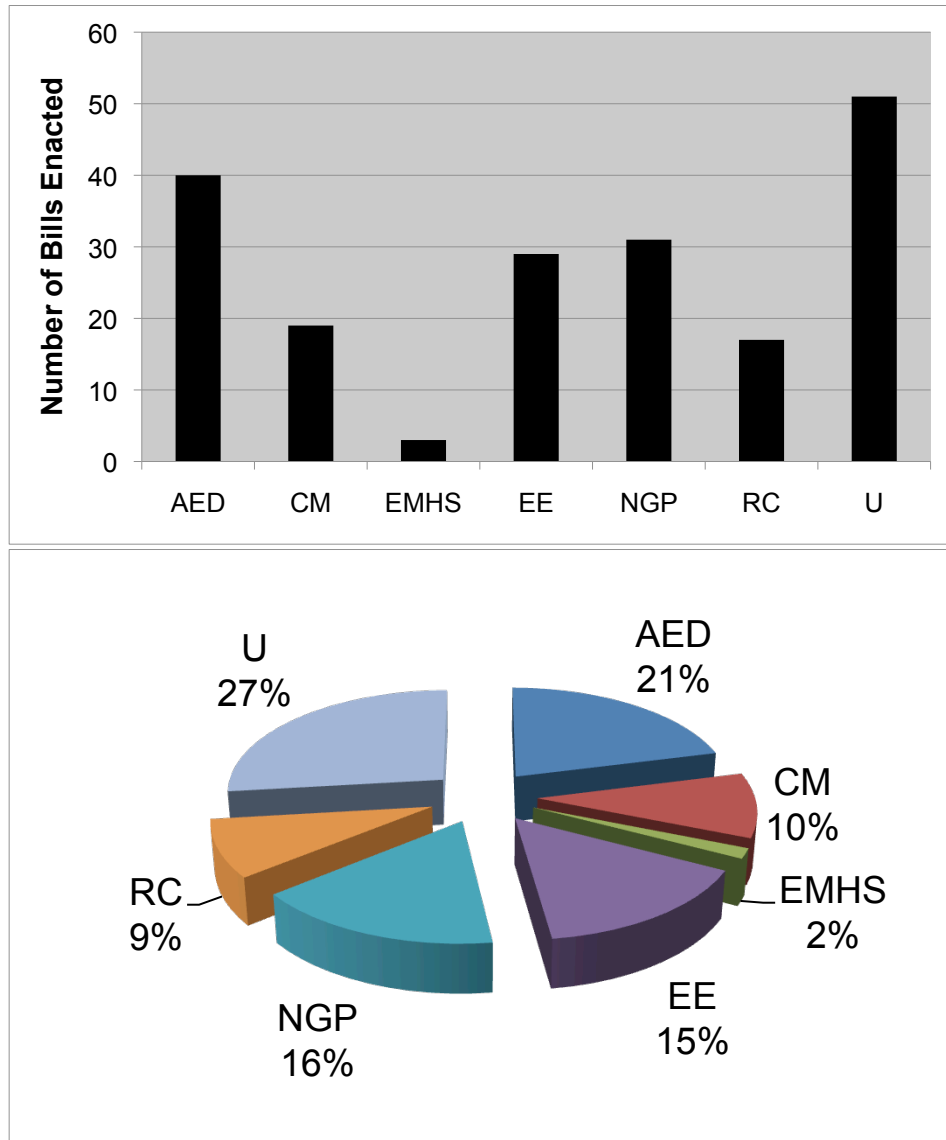
AED-Alternative Energy Development
 CM-Coal and Minerals
 EMHS-Emergency Management and Homeland Security
 EE-Energy Efficiency
 NGP-Natural Gas and Petroleum
 RC-Reorganization and Coordination
 U-Utilities

Environmental

AQPC-Air Quality and Pollution Control
 CZM-Coastal Zone Management
 EMHS-Emergency Management and Homeland Security
 EHS-Environmental Health Services
 HWS-Hazardous Waste and Substance Management
 IWRMC-Inland Water Resource Management and Conservation
 LMC-Land Management and Conservation
 RW-Radioactive Waste
 RC-Reorganization and Coordination
 SW-Solid Waste
 WQPC-Water Quality and Pollution Control



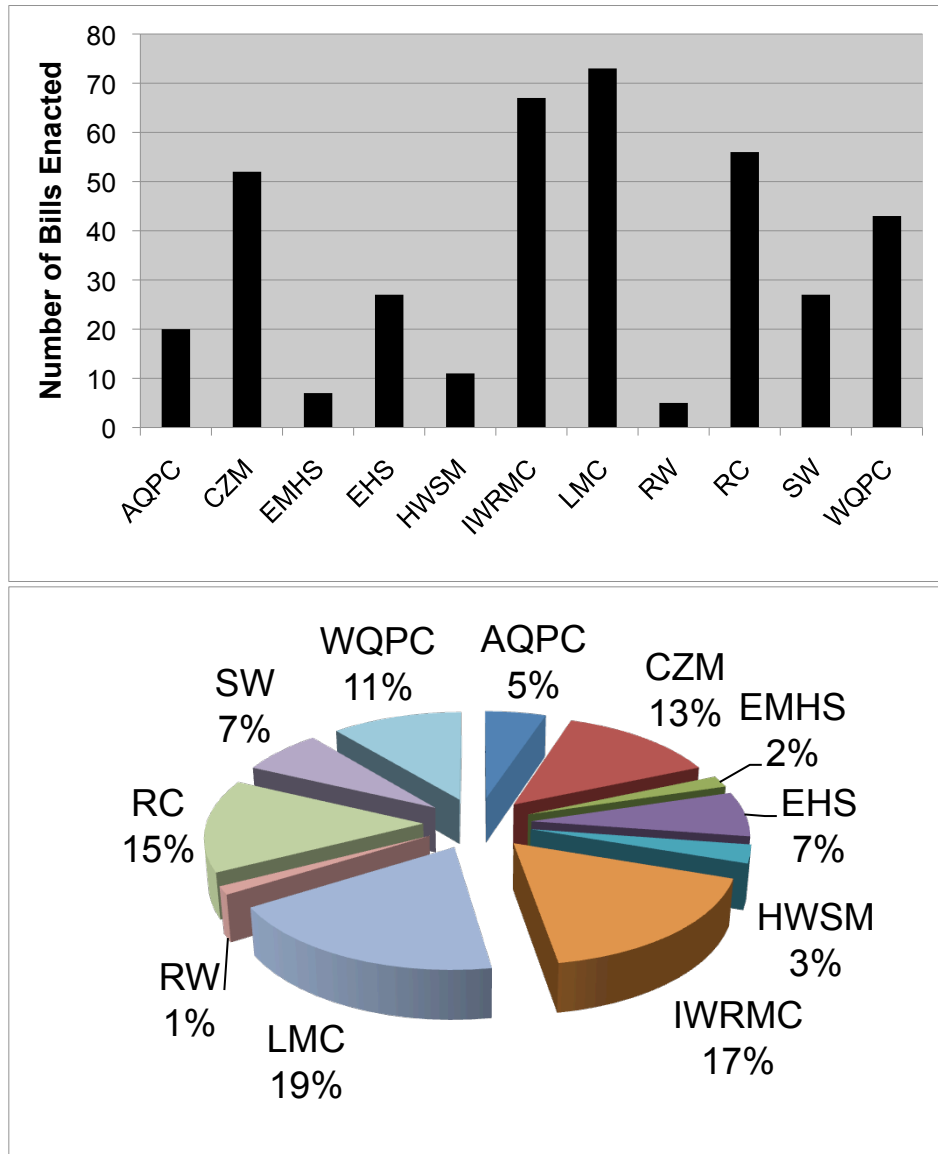
Overall Energy Legislation



AED	Alternative Energy Development
CM	Coal and Minerals
EMHS	Emergency Management and Homeland Security
EE	Energy Efficiency
NGP	Natural Gas and Petroleum
RC	Reorganization and Coordination
U	Utilities



Overall Environmental Legislation



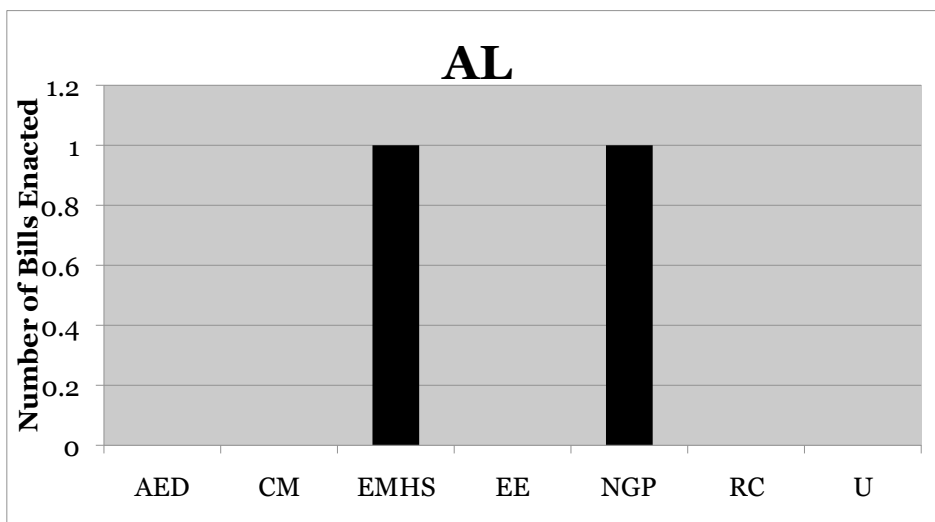
AQPC	Air Quality and Pollution Control
CZM	Coastal Zone Management
EMHS	Emergency Management and Homeland Security
EHS	Environmental Health Services
HWSM	Hazardous Waste and Substance Management
IWRMC	Inland Water Resource Management and Conservation
LMC	Land Management and Conservation
RW	Radioactive Waste
RC	Reorganization and Coordination



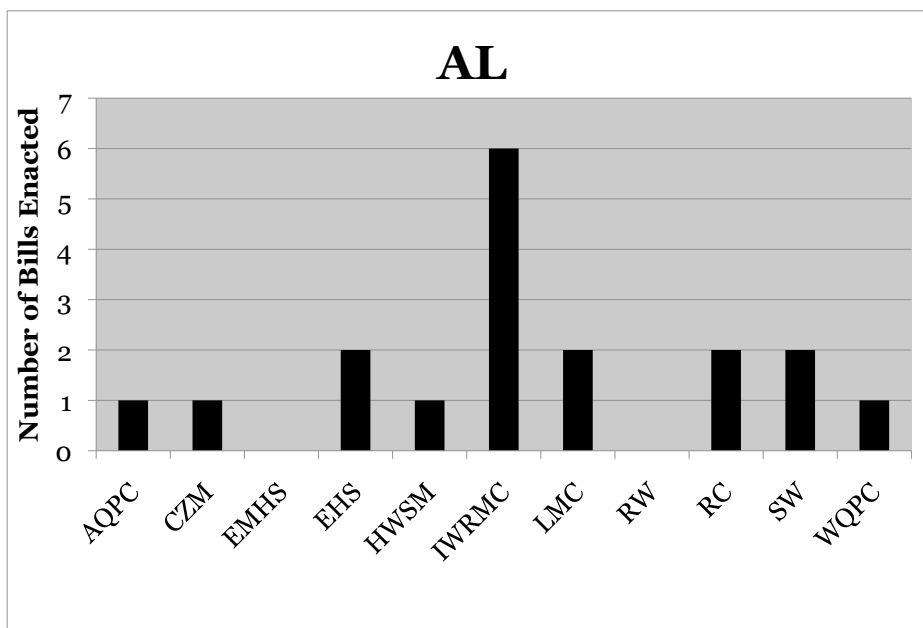
Alabama

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Alabama

Energy Legislation

Emergency Management and Homeland Security

SB 493: Tax Incentives for Tornado Recovery

Sen. Arthur Orr

Enacts the Tornado Recovery Tax Incentive Protection Act of 2011 to protect the granting and extension of economic benefits that became impacted and disrupted by the recent tornado outbreaks on April 15 and April 27, 2011, which was due to property damage and unexpected deadline delays during the qualification processes. Specifically, the bill provides that sales, use, mortgage, deed and non-educational property tax abatements that may otherwise be granted under the state's 1992 abatement law would not be subject to disqualification solely because the underlying transactions and property related to the repair or replacement of property damaged in the tornado outbreaks.

The extension applies to new construction only if transactions are entered into or property is acquired before December 31, 2012. Also, ad valorem tax abatements in existence on April 15 and April 27, 2011 would not be disallowed due to an interruption of business activity lasting through October 1, 2011 and is directly attributable to the tornados. In addition, the bill suspends the wage and employee requirements of the income tax capital credit program for a period of two years for any otherwise qualifying projects damaged by the tornados.

Natural Gas and Petroleum

HB 399: Motor Fuels Tax

Rep. Mac McCutcheon

Revises the motor fuel tax collection and enforcement system by imposing the tax upon the removal or withdrawal of motor fuel from the terminal using the terminal rack and not by bulk transfer, when the supplier would collect the tax from the entity ordering the removal or withdrawal.

The bill also imposes the tax when motor fuel is imported into the state, other than by bulk transfer. The tax also applies to blended motor fuel at the point of motor fuel blending. The bill establishes new license fees for persons who are in the gasoline and motor fuel business and exempts city and county governments from the state's \$.02 per gallon lubricating oil tax.



Alabama

Environmental Legislation

Air Quality and Pollution Control

HJR 197: Urging Congress to Restrict the EPA's Regulation of Greenhouse Gases

Rep. Paul DeMarco

Urges the United States Congress to:

- Adopt legislation prohibiting EPA from regulating greenhouse gas emissions, including defunding EPA greenhouse gas regulatory activities, if necessary;
- Impose a moratorium on promulgation of any new air quality regulation by EPA, except to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory activities; and
- Require the Administration to undertake a study identifying all regulatory activity the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all of these regulations on the economy, jobs, and the economic competitiveness of the United States.

Coastal Zone Management

HB 333: Shrimping

Rep. Randy Davis

Increases live saltwater bait dealer license fees by charging:

- \$50 for dealers to operate one designated live bait catcher boat and one transport truck; and
- \$100 for dealers to operate two designated live bait catcher boats and two transport trucks.

The bill further regulates the sale of dead shrimp, the use of certain nets for catching shrimp and the number of standard shrimp baskets, which a licensee may possess.

Environmental Health Services

SB 123: Fertilizers

Sen. Tom Whatley

Prohibits a county or municipal government from adopting any ordinance, rule or resolution regulating the registration, packaging, labeling, sale, distribution, transportation, storage or application of fertilizers. The bill also reserves all actions relating to the entire subject of fertilizers to the Department of Agriculture and Industries, with certain exceptions.

**SB 433: Transport of Honeybees**

Sen. Tom Whatley

Makes it unlawful to bring honeybee hives into the state without certification or inspection by the Department of Agriculture and Industries and without proper packaging.

Hazardous Waste and Substance Management

HB 106: Civil Penalties for Violations of Environmental Protection Laws

Rep. Steve Clouse

Removes the minimum penalty of \$25.00 per violation of the state environmental protection laws. The maximum civil penalty per violation remains \$25,000. The total penalties in an order by the Environmental Management Department cannot exceed \$250,000.

Inland Water Resource Management and Conservation

SB 49: Perch Fish Raised in Farm Ponds

Sen. Clay Scofield

Relates to gaming and fishing and amends current law prohibiting the sale of game fish, to add yellow perch raised in farm ponds to the list of game fish exempt from the prohibition against sale, provided that, prior to any sale, the seller has obtained a permit from the Commissioner of the Department of Conservation and Natural Resources.

SB 221: Water Systems

Sen. Jerry Fielding

Relates to the Coosa County water systems, to provide for the regulation of a private water system, which purchases water from a municipal water system by the municipality, which supplies the water rather than the Alabama Public Service Commission.

SB 342: Public Water Works in Certain Municipalities

Sen. J. T. Waggoner

Requires any public water works board in a Class 1 municipality in the state to pay yearly interest on all customer security deposits.

SB 466: Merger of Waterworks Systems

Sen. Vivian D. Figures

Proposes a constitutional amendment to provide for the transfer of the assets and liabilities of the Water and Sewer Board of the City of Prichard to the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System, including all indebtedness, contracts and retirement obligations.



HJR 404/405: Aquatic Weed Control in Tennessee River Basin

Rep. Wes Long and Rep. John Robinson

Urges the U. S. Attorney General to study the Tennessee Valley Authority Charter and Presidential Executive Orders to determine if the TVA is responsibly controlling invasive aquatic weeds in the Tennessee River Basin. Also, the bill urges the TVA to meet with the Legislature regarding the issue.

SJR 80: Encouraging State of Georgia to Improve Water Infrastructure and Conservation

Sen. Arthur Orr

Urges the State of Georgia to improve infrastructure and conservation efforts to meet water supply needs rather than diverting water from the Tennessee River Basin. The resolution comes on the heels of a dispute between Georgia and downstream communities of the Tennessee River Basin, including Alabama, regarding the transfer of water out of the river basin.

Land Management and Conservation

SB 84: Landowners Protection Act

Sen. Gerald Allen

States “A landowner who leases property for hunting or fishing purposes shall not be liable for any damages to any person based on the use of the leased property for hunting or fishing purposes.” The bill outlines certain exceptions to the limit on liability including intentional or willful landowner conduct and undisclosed latent conditions.

SB 369: Forever Wild Land Trust Constitutional Amendment

Sen. Dick Brewbaker

Proposes an amendment to the Alabama Constitution to reauthorize the Alabama Forever Wild Land Trust for a 20 year period ending the fiscal year 2031-2032. The Forever Wild Land Trust was created in 1992 to provide for the purchase and conservation of land to be converted or used for public recreational purposes.

Reorganization and Coordination

HB 39: Onsite Wastewater Board Continuation

Rep. Howard Sanderford

Provides for the continuance of the Alabama Onsite Wastewater Board for four years pursuant to the Alabama Sunset Law. The Alabama Onsite Wastewater Board licenses, and regulates persons engaged in the manufacture, installation or servicing of onsite sewage systems.

HB 197: Registration of Pesticides

Rep. Chad Fincher

Moves pesticides and pesticide devices from an annual to a biennial (every two years) registration cycle with the Department of Agriculture. This bill also increases the delinquency penalty fee for pesticide products not registered within a certain time.



Solid Waste

HB 50: Removing Solid Waste Exemption on Coal Combustion By-Products

Rep. Greg Canfield

Expands the definition of solid waste to include coal combustion by-products. The Act removes an existing exemption from regulation for fly ash waste, bottom ash waste, boiler slag waste and flue gas emission control wastes, which result primarily from the combustion of coal or other fossil fuels at electric generating plants. The Act authorizes the regulation of those substances as a solid waste, consistent with federal requirements, until the adoption or implementation of a federal regulatory program to govern those substances pursuant to the Solid Waste Disposal Act, 42 U.S.C. §6941. Existing facilities are exempt from additional regulation under this Act and may continue to operate without additional Department authorization until federal requirements under the Solid Waste Disposal Act take effect. Finally, the Act directs the Department to allow beneficial uses of coal combustion by-products as an alternative to disposal to the extent permissible under federal law.

HB 406: Landfill Moratorium

Rep. Alan Baker

Relates to the permitting of solid waste landfills and places a 24-month moratorium on the issuance of any new permits by the Alabama Department of Environmental Management (ADEM) and any state and local governmental agency for public solid waste landfill facilities, which receive or are intended to receive wastes not generated by the permittee. The moratorium is designed to allow ADEM and the Department of Health to review and update the state's solid waste management needs. In addition, this bill provides for exclusions from the moratorium as well as a defined waiver process.

Water Quality and Pollution Control

HJR 325: Waste Water Management

Rep. Robert Johnson

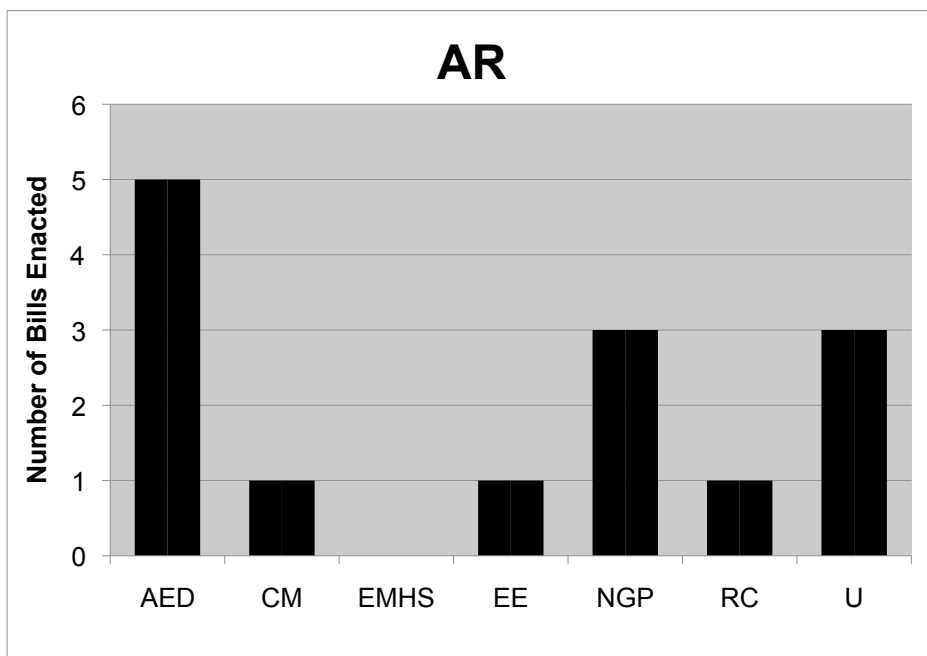
Urges Alabama Department of Environmental Management (ADEM) to ensure the environmental safety of the REEF Industrial Wastewater Facility located in Talladega County, which has been closed due to environmental impact and water contamination concerns.



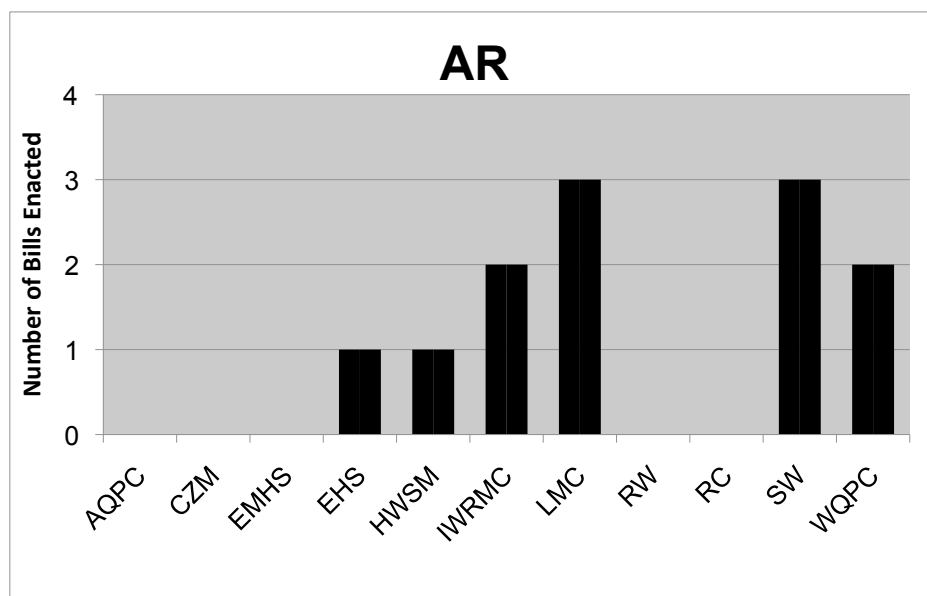
Arkansas

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Arkansas

Energy Legislation

Alternative Energy Development

HB 1050: Energy Efficiency and Conservation

Rep. Denny Altes

Relates to the Arkansas Alternative Fuels Development Program and creates an additional rebate incentive to school districts for the costs of converting diesel-powered and gasoline-powered school buses into dedicated or bi-fuel compressed natural gas school buses. The bill extends the capital and operation production incentives to alternative fuels producers, production incentives for feedstock processors and distribution incentives for alternative fuels distributors.

HB1452: Defining Propane Gas

Rep. Bobby Pierce

Includes propane gas within the definition of “Alternative Fuels” under the state’s Alternative Fuel Development Act.

HB 1914: Incentives for Converting of Motor Vehicles to Operate on Compressed Natural Gas

Rep. Linda Tyler

Provides that the Arkansas Alternative Fuels Development Program will include an incentive program that provides a rebate to assist in the purchase of a conversion kit used to convert a diesel motor vehicle or gasoline motor vehicle to a dedicated or bi-fuel compressed natural gas motor vehicle. It also includes differential and incremental costs associated with the conversion of a diesel motor vehicle or gasoline motor vehicle into a dedicated or bi-fuel compressed natural gas motor vehicle.

SB 875: Amendments to the Alternative Fuel Development Act

Sen. Jake Files

Amends certain definitions used in the Arkansas Alternative Fuel Development Act. It defines different classes of bio fuels and biomass.

SB 876: Amending the Clean Energy Development Act

Sen. Jake Files

Amends the Arkansas Clean Energy Development Act to include natural gas and public utilities. The bill also allows biofuels to satisfy a public utilities’ efficiency or conservation goals. Public utilities in the Clean Energy Development Act under the Arkansas Public Service Commission will consider clean energy and the use of renewable energy resources as part of any natural gas procurement plan.



Coal and Minerals

HB 1280: Amendments to Surface Coal Mining and Reclamation Act of 1979

Rep. Greg Leding

Provides that the Secretary of the Interior will allocate funds for operating the state abandoned coal mines reclamation program. Also, this bill clarifies the priorities for funding remediation programs, including the protection of public health, safety and property in relation to water and land resources.

Energy Efficiency

SB 823: Promoting Energy Efficiency in State Buildings

Sen. Jimmy Jeffress

Promotes the conservation of energy and natural resources in buildings owned by public agencies and institutions of higher education. It establishes policies and technical guidelines for compliance and administers an energy management program to achieve compliance with these energy efficiency goals.

Natural Gas and Petroleum

SB 265: Oil and Gas Lease Expiration

Sen. Mary Salomon

Addresses terms of oil and gas leases clarifying the time of expiration and other provisions. It also sets forth before the expiration of a lease, where no activity has occurred, that parties to the lease agreeing to continuous drilling provisions may extend the lease terms to additional lands drilled or included in another section or unit.

SB 377: Fuel Tax Amendments

Sen. Jake Files

Amends the Motor Fuel Tax Law to repeal motor fuel tax provisions superseded by the Arkansas Tax Procedure Act. The legislation repeals the distillate special fuel exemption for purchases of sixty gallons or less for other than motor vehicle use to prohibit licensed first receivers of motor fuel from selling untaxed motor fuel to another first receiver unless a specific exemption applies. It also allows disclosure to bonding companies of motor fuel, distillate special fuel and liquefied gas special fuel tax information.

SB 569: Salt Water Disposal System Tax Credit

Sen. Bill Sample

Amends the Arkansas code to clarify the provisions concerning the salt water disposal system severance tax credit for severance taxes due on all oil or natural gas produced in salt water producing wells. The bill provides, that if a company knowingly permits salt water to escape from the leased premises, the rights of the party to claim tax deductions or credits will be denied for 12 months.



Reorganization and Coordination

HB 1657: Alternative Fuels and Energy General Improvement Appropriation

Rep. Cathy Webb

Enacts an emergency clause related to the \$2,000,000 Alternative Fuels and Energy Grant appropriated to the Arkansas Agriculture Department. This bill declares that the continued appropriation of funds is necessary for public peace, health and safety, even if a full Appropriations Act was not passed by July 1, 2011.

Utilities

HB 1895: Alters Role of Public Service Commission

Rep. Bubba Powers

Allows the Public Service Commission (PSC) to hear key aspects of electrical utility projects in separate dockets before the Commission, and clarifies the law regarding the ability of utilities to declare a particular project “exempt” from certain regulatory hearing proceedings if the utility does not intend to recover construction or operations costs for the project from its ratepayers. The bill will also clarify how the courts may construe the law regarding the jurisdiction of the PSC.

HB 2219: Electrical Energy Advancement Program for Institutions of Higher Education

Rep. Charlie Collins

Relates to an Electrical Energy Advancement program for institutions of higher education and creates the Statewide Energy Consortium and the Electrical Energy Advancement Program Fund Board. The bill directs the Board to make recommendations to the Consortium concerning funding and amounts to be made available for competitive undergraduate scholarships for residents in the field of electrical and electronic engineering and competitive graduate fellowships for such students as well as provides for certain one-time project costs.

SB 275: Tax Reduction on Utilities used in Manufacturing

Sen. Bill Sample

Further reduces the sales tax manufacturers pay on electricity and natural gas purchases. Also, there is a phased in reduction of taxes on natural gas used in electricity production.



Arkansas

Environmental Legislation

Environmental Health Services

HB 1385: Carbon Monoxide Detectors

Rep. Fred Allen

Requires low voltage carbon monoxide detectors in new home constructions except in all-electric homes.

Hazardous Waste and Substance Management

HB 1299: Hazardous Duty Compensation

Rep. Buddy Lovell

Repeals an Arkansas law, which previously required hazardous duty compensation of 5.5% above authorized pay or rate of pay by the Arkansas Dept. of Environmental Quality to certain employees for each pay period of 80 hours of work.

Inland Water Resources Management and Conservation

SB 222: Royalties for Brine Extraction

Sen. Gene Jefferson

Modifies the quarterly payment schedule for royalties on additional substances, declared by the Oil and Gas Commission, to be profitably extracted from brine produced by a brine unit. The legislation provides that the accounting and corresponding payments to royalty owners shall be paid quarterly, except that payments may be made on an annual basis for the aggregate of up to four quarters, if the accumulated royalties are \$100.00 or less.

HR 1014/SR 18: Funding Support for the Norfolk and Greers Ferry Fish Hatcheries

Rep. Kelley Linck and Sen. Johnny Key

Requests that the President of the United States and the Arkansas Congressional Delegation support and continue the immediate and future funding of the Norfolk and Greers Ferry National Fish Hatcheries.

Land Management and Conservation

SB 940: Hunting and Fishing Rights on Leased Farmland

Sen. Michael Lamoureaux

Makes clear that a tenant of leased or rented farmland will have no right to hunt or fish or grant the right to hunt or fish on the farmland that he or she leases or rents, unless the right is expressly granted in writing by the owner of the farmland.



HB 1477: Hunting and Fishing Licensing

Rep. Randy Stewart

Provides for the issuance of a lifetime hunting and fishing license, with an optional lifetime trout stamp, and lifetime state duck stamp to a resident of Arkansas who is sixty-five years of age or older for a \$35 fee. The provisions also allow totally disabled military veterans to receive a one-time fee of thirty-five dollars at any age or a lifetime fee of one thousand dollars.

HB 1913: Wildlife Observation Trails

Rep. Robert Moore

Allows the Department of Parks and Tourism and the Arkansas State Game and Fish Commission to develop and continue a Wildlife Observation Trails Pilot Program; to ignite interest in the natural, cultural and scenic beauty; and to promote economic development.

Solid Waste

HB 1060: Waste Management Boards

Rep. Uvalde Lindsey

Clarifies the powers of regional solid waste management boards, allowing them to charge and collect fees for the management of solid waste and to declare emergencies.

HB 1434: Limitations on Landfill Fees

Rep. Clark Hall

Places limitations on the collection of landfill fees. Landfill disposal fees to support a computer and electronic equipment recycling program are imposed on each landfill permittee until July 1, 2012. A landfill disposal fee will consist of 15 cents for each uncompacted cubic yard of solid waste, and 30 cents for each compacted cubic yard of solid waste received at the landfill. If a landfill permittee is required or chooses to operate on a weight basis, the landfill disposal fee shall be one dollar for each ton of solid waste received at the landfill.

HB 1637: Waste Tires

Rep. Walls McCray

Increases load-rating requirements for automobiles from an E to an F rating and expands the definitions of specialty, truck and wide base tires.



Water Quality and Pollution Control

HB 1903: Water Use for Wildlife and People

Rep. Robert Moore

Promotes the efficient use of water for the benefit of the people and wildlife of Arkansas by encouraging the best water management practices and collecting reliable water conservation data through scientific methods.

HB 1627: Solid Waste Management and Recycling Fund Act

Rep. Shelia Lampkin

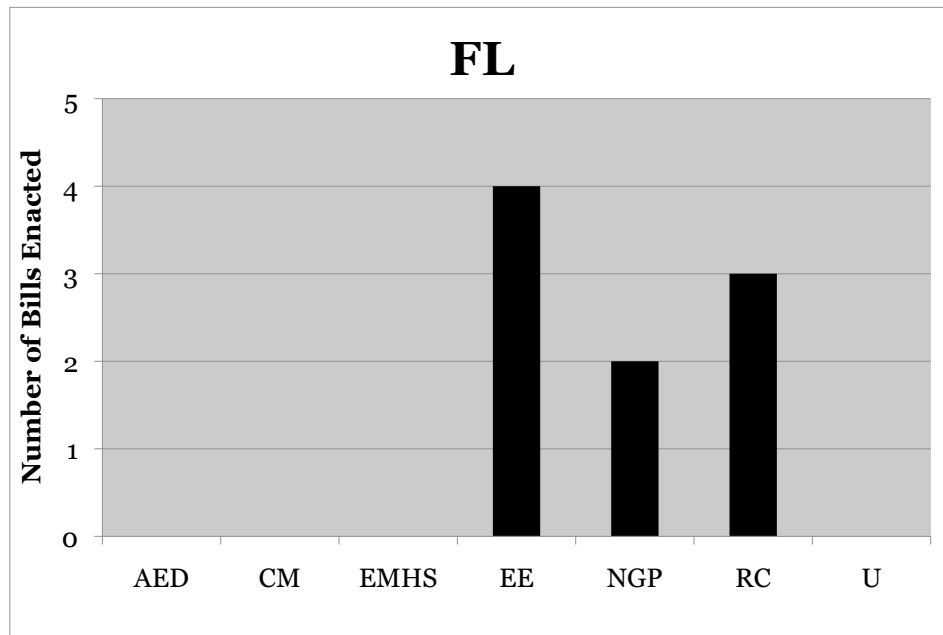
Expands the definition of recycling to include waste stream reduction activities such as composting and waste to energy practices. This bill makes additional diversion activities, operations and construction costs eligible for grant assistance.



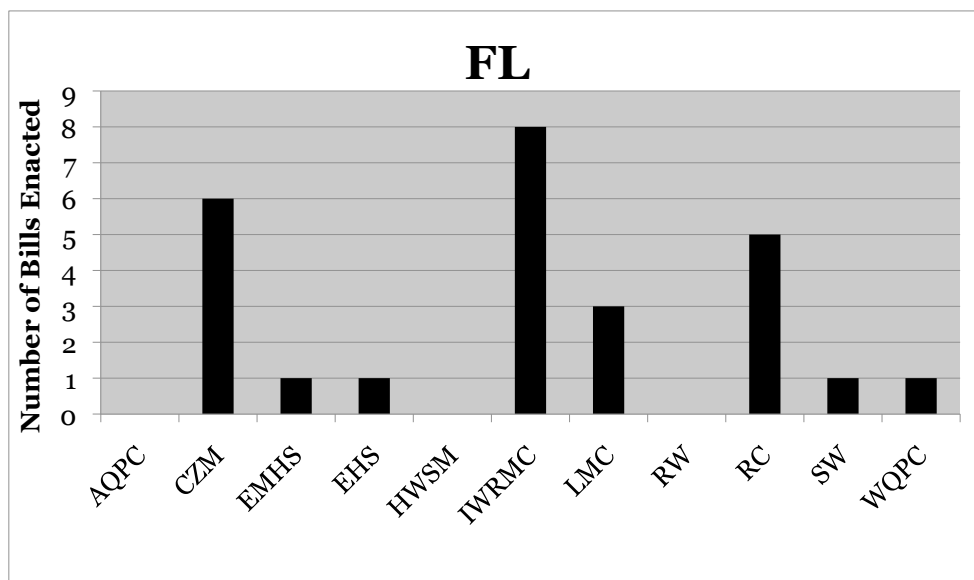
Florida

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Florida

Energy Legislation

Energy Efficiency

HB 879: Targeted Economic Development

Rep. Eric Eisnaugle

Fully implements the Energy Economic Zone Pilot Program and provides access to certain existing economic development incentives. The bill revises the pilot program to include all the incentives and benefits currently provided to the enterprise zone program. Only project areas designated as energy economic zones on or before July 1, 2010, are eligible to receive incentives under the pilot program. In order to provide incentives, a local governing authority having jurisdiction over an energy economic zone must by local ordinance: establish the zone's boundaries; specify applicable energy-efficiency standards; and determine eligibility criteria for the incentives and benefits provided in the energy economic zone. The incentives and benefits become available on July 1, 2012, and include certain tax incentives.

HB 849: Building Construction and Inspection

Rep. Daniel Davis

Amends numerous provisions relating to the Florida Building Code. Among the changes, the bill updates the Florida Building Code to include references to the International Green Building Code and updates references to the Florida Energy Efficiency Code for commercial and residential pool equipment.

HB 879: Targeted Economic Development

Rep. Eric Eisnaugle

Among other things, the bill augments the existing Energy Economic Zone (EEZ) Pilot Program language to:

- Make all the sales and corporate tax incentives and benefits available to businesses, as well as make enterprise zones, pursuant to state law, also will available to businesses within EEZs, effective July 1, 2012. The two pilot EEZs are in Sarasota County and the City of Miami Beach;
- Extend eligibility to EEZ businesses to receive higher tax refund subsidies, as do businesses in enterprise zones, and waives the minimum wage requirement of at least 115 percent of the average area private sector wage for EEZ businesses;
- Specify that EEZ projects will have priority consideration for economic development transportation funding;
- Make EEZ projects eligible for Quick Response Training and Incumbent Worker Training incentive funds;
- Cap the total amount of incentives at \$300,000 annually in each EEZ;
- Specify that the EEZ ordinances to be approved by the two local governing boards will include business criteria and other information; and
- Exempts a development in an EEZ from the DRI requirements.



SB 2098: Consolidation/State Information Technology Service

The Committee on Budget

Revises the duties of the Agency for Enterprise Information Technology. The bill removes references to the Office of Information Security and the Agency Chief Information Officers Council and requires that the Department of Corrections' Office of Information Technology manage the department's data system. The measure provides a schedule for the consolidations of state agency data centers as well as providing objective standards regarding energy efficiency for those data center facilities. The bill also requires agencies to update their service-level agreements and to develop consolidation plans.

Natural Gas and Petroleum

HB 7209: Ethanol Blended Fuels and Renewable Fuel Standards

Rep. Steve Crisafulli

Adds terminal suppliers and importers to the list of entities that must file affidavits with the state before selling or offering for sale any petroleum fuel in the state. This conforms to Department of Revenue (DER) business classification categories for collection of motor fuel inspection fees and adds no new business entities. It deletes all redundant and obsolete provisions to fuel quality specifications that are now incorporated into DER Rule, and provides that all gasoline must be blended gasoline.

The bill provides that, if there is no reasonable availability of ethanol or the price of ethanol exceeds the price of gasoline, the T50 and TV/L specifications for gasoline containing between 9 and 10 percent ethanol shall be applicable for gasoline containing between 1 and 10 percent ethanol for up to three deliveries of fuel from a supplier or importer.

SB 960: Liquefied Petroleum Gas

Sen. Michael Bennett

Requires the Department of Agriculture and Consumer Services and other state agencies to enforce standards relating to the separation distance between liquefied petroleum gas (LP) containers and structures, property lines and sources of ignition contained in the 2011 edition of the National Fire Protection Association (NFPA) 58, also known as the Liquefied Petroleum Gas Code. The bill also amends the definition of "propane" to reflect the national standard.

Reorganization and Coordination

SB 2156: Eliminates the Florida Energy and Climate Change Commission

The Committee on Budget

Among other things, provides for transfer of the powers, duties and functions of the Florida Energy and Climate Commission within the Governor's Office to the Department of Agriculture and Consumer Services and abolishes the Commission. The duties of petroleum allocation transfer to the Division of Emergency Management. Energy emergency contingency plans transfer to the Division of Emergency Management. The Department of Management Services is required to coordinate the



energy conservation programs of all state agencies. Finally, the administration of the Coastal Energy Impact Program is transferred to the Department of Environmental Protection.

SB 924: Florida Statutes

Sen. John Thrasher

The Statutes regard the Florida climate commission. The bill deletes provisions which have become inoperative by noncurrent repeal or expiration, such as the renewable energy technologies investment tax credit.

SB 946: Florida Statutes

Sen. John Thrasher

Amends provisions to substitute the term "Florida College System Institution" for the terms "Florida College," "community college," and "junior college" where those terms appear in the Florida K-20 Education Code. The statutes mention the Florida Energy Systems Consortium and urges energy performance-based contracts and Energy efficiency contracting by the Consortium to allow low energy usage features to be included in the design and construction of new educational facilities.



Florida

Environmental Legislation

Coastal Zone Management

HB 283: Seaports

Rep. Dana Young

The bill amends a Florida statute to include a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council . The bill also permits Citrus County to apply for a grant through the council to perform a feasibility study regarding the establishment of a port in Citrus County. The measure further provides that the membership of Port Citrus on the council shall terminate if the study determines that a port in Citrus County is not feasible.

The bill also makes substantial changes to existing Florida law relating to security requirements for Florida's deepwater public ports.

HB 399: Infrastructure Investment

Rep. Lake Ray

Exempts overwater piers, docks and similar structures in deepwater ports from the port's stormwater management system if the port has a Stormwater Pollution Prevention Plan for industrial activities, and the Plan also provides similar pollution prevention measures for other activities that occur on overwater piers, docks and similar structures. The bill makes changes to streamline the approval process for port conceptual permits. These permits are designed to address in a comprehensive manner the variety of environmental impacts large-scale port projects might create over a 15-year horizon.

The law provides that permits for maintenance dredging are not required under certain circumstances and that certain conveyances may not be considered receiving waters for the purposes of maintenance dredging. The bill also grants consent to use any sovereignty submerged lands for maintenance dredging and provides that the spoil material from maintenance dredging is authorized to be deposited in a self-contained upland disposal site and the site, if existing as of January 1, 2011, does not require a permit if a professional engineer certifies the site, and the site meets other requirements.

HB 869: Manatee County Port Authority

Rep. Jim Boyd

Provides for conveyance of title to submerged lands adjacent to port authority's boundaries from Board of Trustees of Internal Improvement Trust Fund and defines territorial boundaries of submerged lands.

**HB 1311: Walton County**

Rep. Marti Coley

Exempts property owners in Walton County from obtaining permits from the Florida Department of Environmental Protection (DEP) for rigid coastal armoring structures constructed between July 10, 2005, and April 30, 2006. The bill deems the structures as “permanent,” and requires DEP to develop an informational list of the structures.

The bill further provides that property owners may complete existing temporary structures on their own property without obtaining a DEP permit within one year of the effective date of the bill. Finally, the legislation requires any substantially damaged armoring structures to be removed within 90 days.

HB 4191: Palm Beach County

Rep. Bill Hager

Deletes obsolete provisions relating to establishment of advisory committee to advise Board of County Commissioners on improvements, operations, maintenance and enhancement of South Lake Worth Inlet and adjacent property and to assist in development, coordination and public review of Inlet Management Plan.

HM 9: Supporting the Marketing of Florida Seafood

Rep. Darryl Rouson

Urges Congress to support marketing of Florida seafood.

Environmental Health Services**HB 555: Indian River Mosquito Control District**

Rep. Debbie Mayfield

Updates certain administrative requirements of the Indian River Mosquito Control District which was first established in 1925, with the stated purpose of controlling and eradicating mosquitoes and sand flies in designated areas of Indian River County. In addition, the bill clarifies the district’s authority to borrow money.

Emergency Management and Homeland Security**SB 408: Property and Casualty Insurance**

Sen. Garrett Richter

Specifies a statute of limitation for a breach of a property insurance contract to run from the date of loss. The bill revises the definition of “losses,” relating to the Florida Hurricane Catastrophe Fund, to include and exclude certain losses and authorizes an insurer to renegotiate the terms of a surplus note issued before a certain date. The measure revises the amount of surplus funds required for domestic insurers applying for a certificate of authority and authorizes the Office of Insurance Regulation to reduce the surplus requirement under specified circumstances.



Inland Water Resource Management and Conservation

HB 421: Exemptions to Water Management Requirements

Rep. Leonard Bembry

Revises the current agricultural exemption to specify that certain agricultural activities may impede or divert the flow of surface waters or adversely impact wetlands, as long as the activities are not for the sole or predominant purpose of the agricultural activity or alteration and provides exclusive authority to the Department of Agriculture and Community Service (DACS) to determine whether certain activities qualify for agricultural-related exemption. The bill requires a Memorandum of Understanding between DACS and each water management district. The Department is given rule-making authority to implement these processes. The measure provides that mitigation to offset any adverse effects caused by agricultural activities that occurred before the conversion to a nonagricultural use is not required if the activities occurred in the last four years preceding the conversion. Lastly, the bill amends the definition of agricultural activities to include: cultivating, fallowing and leveling, as well as best management practices adopted by the Department or the United States Department of Agriculture's Natural Resources Conservation Service practice standards.

SB 450: Emergency Management

Sen. Michael Bennett

The bill creates the "Postdisaster Relief Assistance Act" to provide immunity from civil damages to persons who gratuitously and in good faith, supply temporary housing, food, water or electricity to emergency first responders or their immediate family members in response to a declared emergency or public health emergency.

HB 741: Lake Worth Drainage District, Palm Beach County

Rep. Lori Berman

Relates to the Lake Worth Drainage District in Palm Beach County, authorizes the District to develop and operate water supply facilities and to enter into inter-local agreements with local governments, public utilities and private utilities. The bill provides for issuance of notes and bonds and prohibits the District from engaging in retail water sales.

HB 849: Building Construction and Inspection

Rep. Daniel Davis

Creates amendments or modifications relating to the wind-resistance design of buildings and structures in the high-velocity hurricane zone of Miami-Dade and Broward Counties shall not expire and shall be carried forward to the next edition of the Code.

As a result of this bill, products advertised as hurricane windstorm or impact protection from wind-borne debris are required to be approved under Florida's product approval program and the Commission is prohibited from adopting rules that limit any of the statutory exceptions or exemptions to coastal construction control and erosion projection requirements.



The bill repeals current statutory provisions relating to requirements for scheduled increases in the energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction and requires certain public swimming pools and spas to be equipped with specified safety features.

HB 1351: South Broward Drainage District

Rep. Evan Jenne

Clarifies the District's authority to carry out water management activities and, in various provisions throughout the bill, replaces "reclamation" with "water management" or "water control" to provide consistency throughout the District's charter, as well as updates additional administrative and operation provisions of the District's enacting statute.

SB 2142: Water Management Districts

The Committee on Budget

Requires the Legislature to annually review the preliminary budget for each water management district and set the maximum amount of revenue a district may raise through its ad valorem tax. The measure provides that, if the annual maximum amount of property tax revenue is not set by the Legislature on or before July 1 of each year, the maximum property tax revenue that may be raised reverts to the amount authorized in the prior year. Each water management district is required to provide a monthly financial statement to its governing board and make such information available through its website. The Executive Office of the Governor and the Legislative Budget Commission is allowed to approve the budget of each water management district.

SB 2130: Water Pollution Control

The Committee on Budget

Expands the use of existing service fees in the Federal Water Pollution Control Act to include other water quality activities administered by DEP. These activities include monitoring, developing total maximum daily loads, watershed restoration best management practices and source water assessments. The bill also changes the deposit of revenues from the Grants and Donations Trust Fund to the Federal Grants Trust Fund within the DEP.

HR 9053: Woodville Karst Plain Project

Rep. Mark Pafford

Recognizes Woodville Karst Plain Project for its outstanding contributions to State of Florida through scientific research, its dedication and tireless efforts to promote protection of state's precious natural water resources.

Land Management and Conservation

HB 95: State Park Surcharge Use

Rep. Leonard Bemby and Rep. Jeffrey Brandes

Expands the use of proceeds from surcharge revenues derived, from entrance fees, to certain state parks by specifying that a municipality may use these funds for land acquisition or beach renourishment activities.



HB 663: State Forests

Rep. Gregory Steube

The bill directs the Division of Forestry within the Department of Agriculture and Consumer Services to designate one or more areas on state forest lands as a “Wounded Warrior Special Hunt Area” to provide special outdoor recreational opportunities exclusively for disabled veterans and service members. The measure limits admittance to these designated areas to: an active duty member of any branch of the United States Armed Forces who has a combat-related injury; a veteran who served during a period of wartime or peacetime service and has a service-connected disability; and an individual accompanying an eligible veteran or service member to assist him or her in using the designated areas.

SB 1204: Forest Fire Protection Compact

Sen. John Thrasher

Amends the law specifying that the President of the Senate and the Speaker of the House of Representatives are responsible for designating one member. Current law provides that two of Florida’s four members on the Southeastern Interstate Forest Fire Protection Compact Advisory Committee are required to be legislators, one of which is from the Senate and the other from the House of Representatives.

Reorganization and Coordination

HB 7001: Environmental Resource Permits

Rep. Ritch Workman

Removes the uncertainty and alleged constitutional defects affecting environmental permitting as a result of prior legislative action. This bill extends and renews any permit issued by the Department of Environmental Protection or a water management district that has an expiration date of September 1, 2008, through January 1, 2012, for a period of two years following its date of expiration. The extension includes any local government-issued development order or building permit.

HB 7215: Omnibus Agriculture Bill

Rep. Steve Crisafulli

Allows the lead managing agency, instead of the Department of Environmental Protection, to receive the proceeds from the initial grant of easements for the construction of electric transmission and distribution facilities on land owned by the Board of Trustees. The Department is granted the exclusive authority to enforce the Florida Building Code as it relates to wildfire and law enforcement facilities. The authorized monies received from the sale of surplus state-owned wildland firefighting equipment and vehicles is to be used to exchange, maintain or purchase wildland firefighting equipment. The Department is authorized to dispose of surplus firefighting equipment and vehicles when it sees fit. In addition, the Department is authorized to delegate authority to local governments to issue authorizations for open burning. The Office of Water Coordination is renamed as the Office of Energy and Water in the legislation.



SB 1204: Joint Legislative Organizations

Sen. John Thrasher

Repeals or amends various sections of the Florida Statutes concerning the following joint legislative entities: the Office of Program Policy Analysis and Government Accountability (“OPPAGA”), the Joint Administrative Procedures Committee (“JAPC”), the Legislative Committee on Intergovernmental Relations (“LCIR”), the Joint Legislative Committee on Everglades Oversight (“JCEO”), the Joint Legislative Sunset Committee (“JCSC”) and other related Legislative Sunset Review Committees, the Joint Select Committee - the Century Commission for a Sustainable Florida, Technology Review Workgroup, the Joint Committee on Public Counsel Oversight (“JCPO”), the Legislative Commission on Migrant and Seasonal Labor, the Legislative Auditing Committee (“JLAC”), the Office of Economic and Demographic Research, the Office of Legislative Services (“OLS”), and the Council for Education Policy Research and Improvement. Additionally, reporting duties of the Department of Children and Family Services’ children and families client and management information system will be impacted by the bill.

SB 2122: State Government Operations

The Committee on Budget

This bill provides for the following:

- Within the Department of Agriculture and Consumer Services (DACS), consolidates the Division of Dairy Industry within the Division of Food Safety.
- Transfers authority for the regulation and enforcement of the state Lemon Law and the price gouging program entirely to the Department of Legal Affairs.
- Renames the Division of Forestry within the DACS as the Florida Forest Service.
- Reduces the membership of the Citrus Commission from twelve members to nine, reduces the number of citrus districts from four to three, and reassigns counties to those three districts.
- Provides that the Executive Director of the Department of Citrus be appointed by a majority vote of the commission and serve a four-year term, except for the initial term, which expires on June 30, 2011, and shall be subject to confirmation by the Senate in the legislative session following appointment.
- Imposes limits on the tax per box of grapefruit, oranges, and tangerines. The tax on grapefruit, tangerines, and fresh oranges is capped at the rate in effect on May 1, 2011, and the tax rate on oranges in processed form cannot exceed 25 cents per box.
- Requires employees of the Department of Citrus to work a five-day, 40-hour work week, except when on approved leave.

The consolidation of the Division of Dairy Industry into the Division of Food Safety provides a recurring cost savings of \$239,496 in general revenue. The elimination of activities by the Division of Consumer Services relating to the Lemon Law and the price gouging program provides a recurring cost savings to the General Inspection Trust Fund within the DACS of \$386,415.



SM 218: Deepwater Horizon Oil Disaster Resolution

Rep. Matt Gaetz

A memorial resolution to the Congress of the United States, urging Congress to dedicate penalties collected from parties responsible for the Deepwater Horizon oil disaster to repairing the environmental and economic damage caused by the disaster.

Solid Waste

HB 143: Economic Development

Rep. Ritch Workman

Authorizes OTTED to administer corporate income tax credits for spaceflight projects. The measure increases annual tax credit cap relating to contaminated site rehabilitation. The bill provides tax credit for certain research & development expenses and repeals emergency excise tax and related provisions. The bill also revises criteria for awarding tax credits and increases amount of credits to be awarded under entertainment industry financial incentive program and authorizes Martin County to apply to OTTED for designation of enterprise zone. Finally, the bill increases from \$2 million to \$5 million the corporate income tax credits that are annually available to partially compensate taxpayers who voluntarily clean up dry-cleaning solvent-contaminated or brownfield sites.

Water Quality and Pollution Control

SB 2130: Pollution Control

Budget Committee

The bill revises requirements for the deposit of funds used in providing financial assistance for water pollution control. The measure requires that such funds be deposited into the Federal Grants Trust Fund within the Department of Environmental Protection rather than the Grants and Donations Trust Fund within the department. The bill also expands the use of existing service fees, as authorized by the Federal Water Pollution Control Act, to include other water quality activities performed by the department. These activities include monitoring, developing total maximum daily loads, watershed restoration best management practices, and source water assessments.

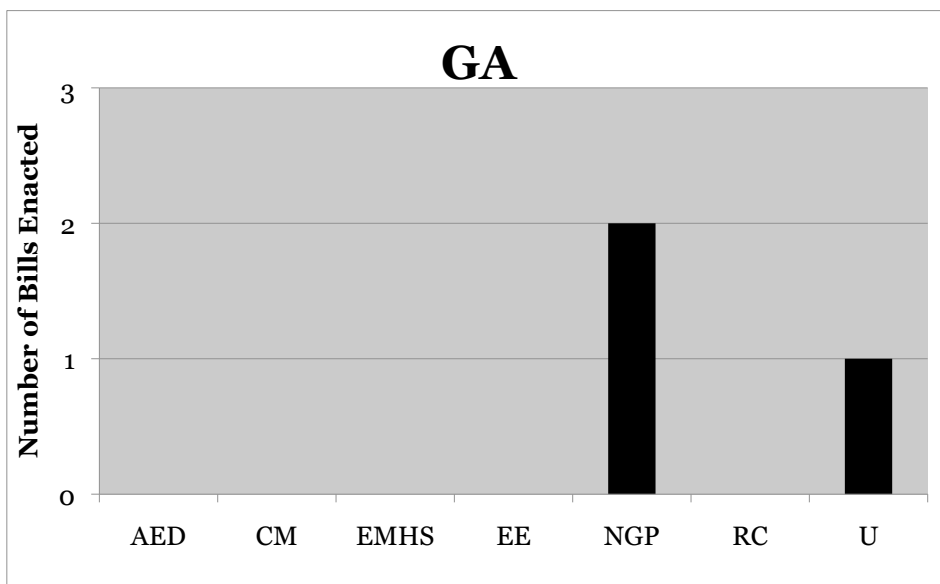
The bill has a recurring positive fiscal impact of \$1.8 million to the General Revenue Fund and \$300,000 to the Permit Fee Trust Fund by allowing the department to transfer administrative costs associated with other water quality activities from the General Revenue Fund and the Permit Fee Trust Fund to the Federal Grants Trust Fund.



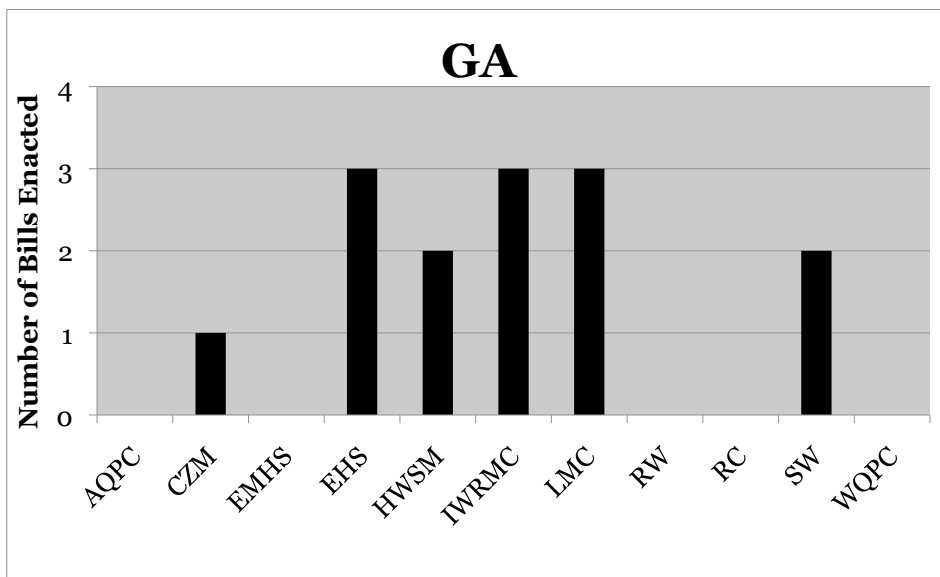
Georgia

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Georgia

Energy Legislation

Natural Gas and Petroleum

HB 2EX: Ratification of Executive Order Gas Suspending Gas Tax Increase

Rep. Doug Collins

Ratifies an Executive Order temporarily suspending any increase in the “Prepaid State Tax” on sales of motor fuels and aviation gasoline for on-highway use by freezing the rates at their May 1, 2011 levels. The tax rates in effect for periods beginning on or after July 1, 2011 will remain until December 31, 2011. The fiscal impact of the motor fuel tax increase suspension is approximately \$40 million.

SB 108: Regarding Natural Gas Competition and Vehicular Use

Sen. David Shafer

Relates to natural gas competition and deregulation by allowing a natural gas company to use funds from the universal service fund to expand natural gas fueling infrastructure for motor vehicles. Approval of the Georgia Public Service Commission is required before the sale or lease of a facility purchased with funds from the universal service fund.

Utilities

SB 160: Campaign Contributions by Utilities

Sen. Don Balfour

Permits public utility corporations regulated by the Public Service Commission to make contributions to political campaigns. “Public utility corporation” includes electric membership corporations under this bill; however, electric membership corporations and nonprofit corporations, groups, or associations which are made up of electric membership corporations are specifically prohibited from making direct contributions to political campaigns. Nonprofit corporations, groups, or associations made up of electric membership corporations may establish, administer, and solicit contributions for a political action committee from its officers, directors, employees, agents, contractors, and members as long as these actions and contributions do not violate any other law.



Georgia

Environmental Legislation

Coastal Management Zone

SR 312: Savannah Harbor Deepening

Senator Buddy Carter

Endorses the proposed deepening of the federal navigation channel at Savannah Harbor, located in Chatham County, Georgia, to -48 feet mean low water. The resolution states that the construction of the Savannah Harbor Expansion Project by the U.S. Army Corps of Engineers should be undertaken expeditiously, and in keeping, with the authorization of the project by Congress.

Environmental Health Services

HB 225: Promotion of Sustainable Agriculture

Rep. Susan Holmes

Declares that the policy of Georgia supports sustainable agricultural practices, including scientific based practices that increase agricultural productivity, benefit human health and enhance stewardship of the water, soil, air quality, biodiversity and wildlife.

HB 277: Baiting and Enticement of Game

Rep. Jason Shaw

Changes certain provisions relating to unlawful enticement of game by regulating the baiting and hunting of deer, doves and feral hogs. The enticement of game is allowed, including deer and feral hogs, on private property. The enticement and baiting of feral hogs is prohibited in counties where there is a documented occurrence of diseases in deer.

SB 211: Lead-Poison Prevention

Sen. Ross Tolleson

Provides additional authority to the Division of Public Health for lead-poison prevention and control.

Hazardous Waste and Substance Management

HB 40: Antifreeze Bitterness Additives

Rep. Tommy Benton

Creates a new requirement that antifreeze sold in Georgia manufactured after July 1, 2012, which contains more than 10 percent ethylene glycol, must also include denatonium benzoate in order to make the antifreeze unpalatable. This requirement will apply to all antifreeze manufacturers, packagers, distributors, recyclers and sellers,



but not to sellers of a motor vehicle that contains antifreeze nor to wholesale containers of 55 gallons or more of antifreeze.

HB 112: Requirements for Transporting Hazardous Material

Rep. Alan Powell

Includes a provision for the transportation of spent nuclear fuel, high-level radioactive waste and other hazardous materials. The Commissioner of Public Safety may take action to ensure that motor vehicles, drivers and packages used in such transportation have been inspected to show compliance with the federal motor carrier safety regulations and federal hazardous materials regulations.

Inland Water Resource Management and Conservation

SB 122: Water Reservoir Projects

Sen. Ross Tolleson

Relates to bidding on local government public works projects for local governments and local water authorities. The bill provides for local government contracts and procurement related to planning, financing, constructing, acquiring, operating or maintaining certain water reservoirs, facilities and systems. Furthermore, the bill permits the Water Supply Division of the Georgia Environmental Finance Authority to participate in certain local water reservoir, facilities and systems projects.

SR 15: Creates the Joint Committee on Water Supply

Sen. Ross Tolleson

Creates the Joint Committee on Water Supply to examine the status of the state's reservoir system and analyze the state's strategic need for additional water supply, including the need for creative methods of financing water infrastructure.

SR 228: Tennessee River Basin Study

Sen. Jeff Mullis

Urges the Department of Natural Resources, the Water Supply Division of the Georgia Environmental Facilities Authority and private enterprises to study the feasibility of surface water withdrawal, storage and distribution from a certain portion of the basin of the Tennessee River.

Land Management and Conservation

HB 95: Forest Land Conservation Use Property

Rep. Jay Roberts

Revises certain provisions regarding ad valorem taxation of forest land conservation, use property and provisions related to the transfer of ownership of such property, as well as provides penalties of violations.



HB 485: Wildlife Control Permits and Release of Feral Hogs

Rep. Tom McCall

Prohibits the release of feral hogs captured by a person holding a wildlife control permit into an unfenced area, and provides penalties.

HB 179: Outdoor Advertising

Rep. Jon Burns

Revises the procedure and fee schedule for the issuance of outdoor advertising sign permits. It allows owners of signs to apply for a permit to remove all trees and vegetation from the target view zone of the sign. "Target view zone" is defined as an area of the viewing zone extending from the sign to the roadway to which the sign is permitted which must be angled as requested by the applicant to maximize the visibility of the sign; however, it must not exceed: (1) 250 feet along the right of way fence or boundary; and (2) 350 feet along the pavement edge, to include any emergency lane or paved shoulder. In order to obtain a vegetation maintenance permit for signs which exceed 75 feet in height, the owner of the sign must agree to reduce the sign to 75 feet in height or less, unless lowering is precluded by local government code or regulation.

Solid Waste

HB 274: Solid Waste Management Trust Fund and Yard Trimmings in Landfills

Rep. Randy Nix

Extends the \$1 fee on each new replacement tire sold until June 30, 2014. Also, cities, counties or solid waste management authorities may, but are no longer required to, impose restrictions on yard trimmings; however, under no circumstances may yard trimmings be placed in or mixed with municipal solid waste, except at: landfills restricted to construction or demolition waste; inert waste landfills; or lined municipal solid waste landfills having operating landfill gas collection systems.

SB 157: Solid Waste Management Plans

Sen. Rick Jeffares

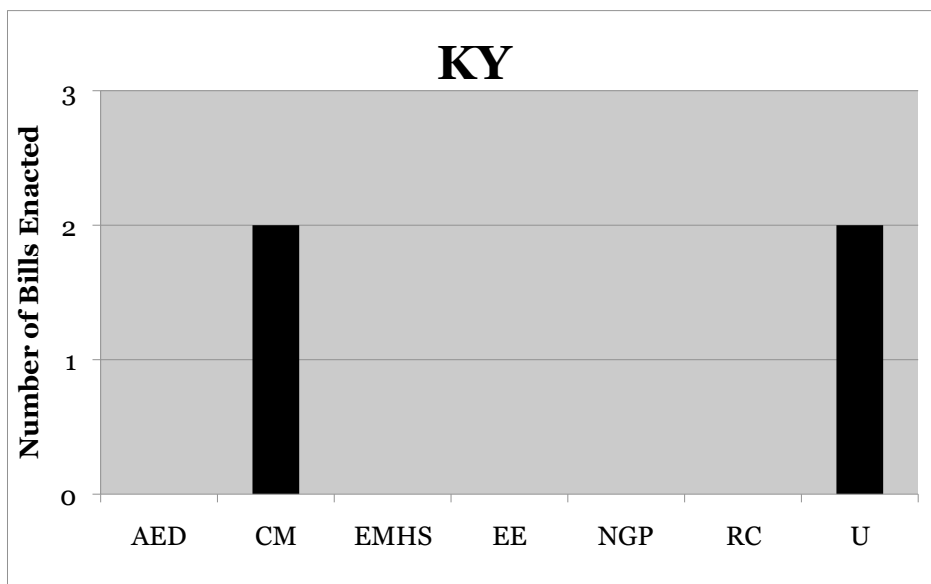
Removes the requirement in current law that cities and counties report annually to the Department of Community Affairs (DCA) on the status of solid waste management in their jurisdiction. This bill also requires DCA to promulgate solid waste planning guidance that a city or county may use to update or amend their plans. Any county that proposes to update or amend its solid waste management plan must publish notice of the proposed action in the county legal organ or on the county's website at least two weeks prior to adopting the update or amendment to its plan. To be included as part of a plan, each city and county part of the plan must adopt the plan and any plan updates by local ordinance or resolution.



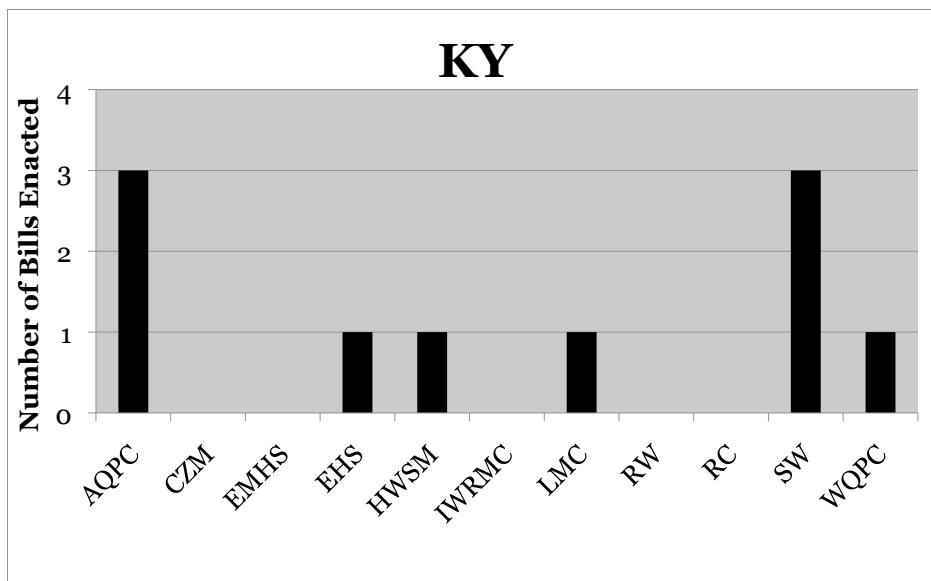
Kentucky

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Kentucky

Energy Legislation

Coal and Minerals

HB 269: Coal Miners

Rep. Rick Nelson

Designates the third week of August as Coal Miners Appreciation Week.

HB 385: Determines Bond Amounts and Requires Certified Laboratory Testing

Rep. Jim Gooch Jr.

Relates to coal, and requires that any determination by the Energy and Environment Cabinet to change a bond requirement or bond amount for coal mining or reclamation permit currently in use will result in a new administrative regulation, which includes all bond requirements including the bond amount. The bill proscribes bond amounts from being instituted as policy and provides that if an administrative regulation fails to include bond amounts, it is declared automatically deficient.

Utilities

HB 330: Public Utilities Abandonment

Rep. John Stacy

Defines circumstances that constitute abandonment of a gas, water, electric or sewer service public utility. The bill provides for control and responsibility for abandoned utilities placed in receivership to remain with the court-appointed receiver until the Franklin Circuit Court, after hearing, orders the receiver to return control to the utility or to liquidate the assets. Any gas, water, electric, or sewer utility service that receives a notice of discontinuance or termination of service from one or more of its suppliers that will prevent the provision of service to its customers, is required to notify the Commission in writing within one (1) business day of receipt of the notice.

HR 131: Safe Digging Awareness Month

Rep. Alecia Webb-Edington

Recognizes that utility operators deliver critical energy, communications, water and sewage management services, and therefore designated April 2011 as “Safe Digging Awareness Month” to promote public knowledge of the 811 call-before-you-dig number and www.call811.com website.



Kentucky

Environmental Legislation

Air Quality and Pollution Control

HB 259: Carbon Dioxide Geologic Storage

Rep. Brent Yonts

Directs the Energy and Environment Cabinet to seek projects demonstrating injection of carbon dioxide into geologic formations, provides a process for pooling of pore space necessary to create underground carbon storage reservoirs when 51 percent of the interests agree and creates a process whereby ownership of and liability for stored carbon dioxide will pass to the federal or state government. The Division of Oil and Gas within the Department for Natural Resources is authorized to seek primary enforcement authority for geologic storage under the Federal Underground Injection Control Program. Pilot geologic storage projects are allowed to qualify for sales, income and severance tax incentives under the Kentucky Incentives for Energy Independence Act. The Cabinet is encouraged to initiate discussions with surrounding states to develop a coordinated approach to possible subsurface migration of stored carbon dioxide across state lines.

SB 50: Eminent Domain for Carbon Dioxide Pipelines

Sen. Tom Jensen

Defines “carbon dioxide transmission pipelines” and declares them eligible for incentives under the Kentucky Incentives for Energy Independence Act. Companies constructing carbon dioxide transmission pipelines are granted eminent domain powers, and carbon dioxide transmission pipelines are required to obtain a construction certificate from the Kentucky State Board on Electric Generation and Siting. The bill also outlines investment requirements, capital investment minimums, routing requirements and public notice requirements for carbon dioxide pipelines.

SR 116: Resolution Urging Congress to Prohibit GHG Regulation

Sen. Brandon Smith

Urges Congress to adopt legislation prohibiting EPA from regulating greenhouse gas emissions; Senate Resolution 116 urges the United States Congress to:

- Adopt legislation prohibiting EPA by any means necessary from regulating greenhouse gas emissions, including, if necessary, defunding EPA greenhouse gas regulatory activities.
- Impose a moratorium on promulgation of any new air quality regulation by EPA by any means necessary, except to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory activities.
- Require the Obama Administration to undertake a study identifying all regulatory activity that EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the



cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness.

Environmental Health Services

HB 247: Radon Certification and Regulation

Rep. Steve Riggs

Provides for the certification and regulation of radon measurement contractors, mitigation contractors and radon laboratories. The bill establishes the Kentucky Radon Program Advisory Committee and its appointment and meeting procedures. The bill delineates the powers and duties of the Committee and establishes who is exempt from certification requirements. Mitigation and measurement contractors are required to maintain general liability insurance coverage in the amount of \$500,000 and to maintain a license and permit bond during the term of certification in an amount of \$10,000.

Hazardous Waste and Substance Management

SB 70: Screenings at Regional EPA Sites

Sen. Bob Leeper

Updates the standards related to hazardous site remediation under Kentucky's Voluntary Environmental Remediation Program. The bill substitutes the Regional Screening Level Table used to provide guidance to site remediation professionals for the Region Nine Risk-Based Concentration Tables. The Regional Screening Table harmonizes multiple tables previously used across different EPA regions.

Land Management and Conservation

HB 173: Hunting and Fishing Permit Exemption for Members of the Armed Forces

Rep. Terry Mills

Exempts members of any branch of the United States Armed Forces based in Kentucky from the requirement to obtain a license to engage in hunting or fishing on any military property belonging to the Commonwealth of Kentucky.

Solid Waste

HB 242: Metals

Rep. Mike Denham

Relates to the purchase of metals by recyclers, requiring signed proof of ownership or authorization to sell any metal which has been smelted, burned, or melted.

HB 433: Regulations for Waste Tires

Rep. Tom McKee

Establishes a five-member Waste Tire Working Group in the Energy and Environment Cabinet. The bill prescribes the duties of the Waste Tire Working Group. Retailers of



new passenger tires are required to distribute an information sheet on how to dispose of a waste tire to customers, and the Cabinet is required to develop the information sheet in conjunction with the Waste Tire Working Group. The transporter or processor that contracts for out-of-state final disposal of the tires is required to return a receipt to the retailer showing who took final custody of the tires. The retailer is required to contact the Cabinet if a receipt has not been tendered by the transporter or processor within 30 days of receiving the tires.

HCR 37: EPA to Consider Affordability on Sewer Overflow Control Measures

Rep. Adam Koenig

Expresses support for federal legislation requiring the United States Environmental Protection Agency (EPA) to consider affordability when implementing its Combined Sewer Overflow (CSO) control measures. In the measure, the Kentucky House of Representatives requests federal legislation that ensures adequate federal funding for communities implementing their long-term control plans. The bill also supports legislation mandating that EPA revise the "CSO Guidance" to more thoroughly consider the financial impact of CSO requirements, and urges EPA to take immediate action to use more flexibility in administering the CSO program.

Water Quality and Pollution Control

HB 26: Water Waste Commissions

Rep. Linda Belcher

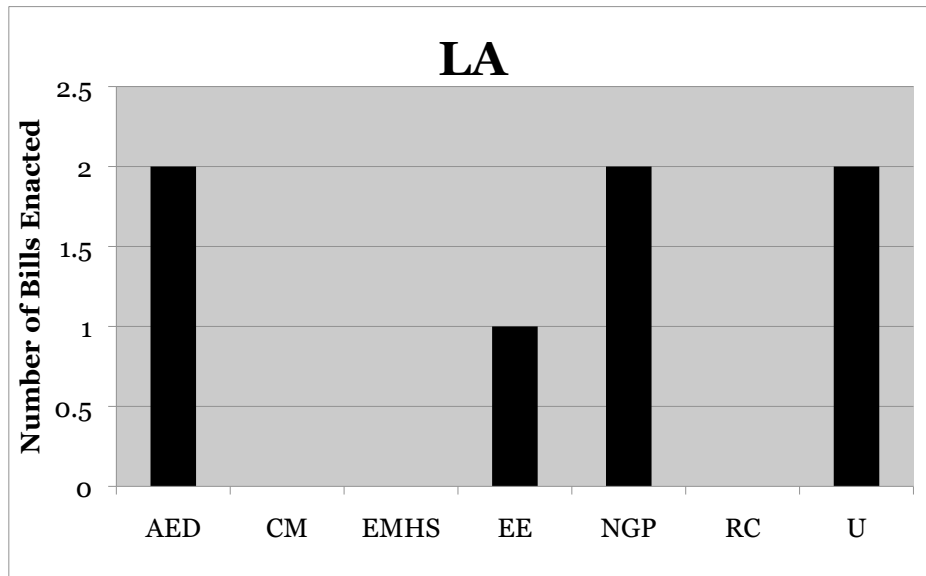
Expresses the findings of the General Assembly regarding wastewater and authorizes the creation of a regional wastewater commission as a pilot project area in several counties. The bill creates definitions for "commission," "member entity," "organizing official," "wastewater," and "sources of collected water." Two or more member entities owning wastewater systems are allowed to acquire, construct, operate and improve those systems. A method for member entities to form regional wastewater commissions is established in the bill. The governing body of any member entity proposing participation in the commission is required to publish notice of a public hearing at least 30 days prior to the hearing. One commissioner will be appointed to represent each member entity. It is required that the commissioner be a customer, resident or authorized representative of the member entity. No less than three commissioners are required and the law sets the terms for the commissioners at four years.



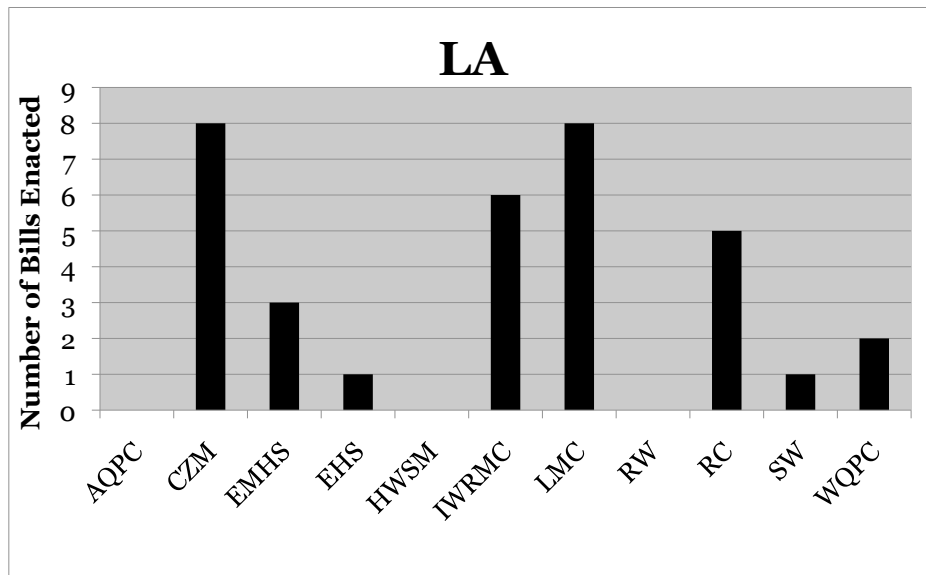
Louisiana

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Louisiana

Energy Legislation

Alternative Energy Development

HB 70: Equipment or Refueling Facilities to Operate Alternative Fuel or Hybrid Vehicles

Rep. Jane Smith

Authorizes an agency of a political subdivision to acquire or be provided equipment or refueling facilities necessary to operate alternative fuel or hybrid vehicles. The legislation provides methods for acquiring equipment and facilities including by purchase or lease as authorized by law, or gift or loan.

HB 282: Sales and Use Tax for Alternative Substances

Rep. Noble Ellington

Extends termination of the state sales and use tax exclusion for certain alternative substances used as fuel by manufacturers from June 30, 2012, to June 30, 2015.

Energy Efficiency

HB 292: Local Littering Enforcement Activities

Rep. James Morris

Provides for the Environmental Education Commission and the litter abatement and education account in the Conservation Fund to finance local littering enforcement activities in order to promote public safety, order, and general welfare by making the public areas of Louisiana clean, safe, and free of debris, litter, and other material falling from or being thrown from vehicles; and to award grants to nonprofit organizations and public agencies for the development, dissemination, and assessment of such education programs.

Natural Gas and Petroleum

SB 160: Commercial Regulations

Sen. Michael Michot

Provides for state participation in, and promotion of, the safe transportation over water of oil and gas workers and others involved in the offshore oil and gas industry.

HCR 167: Oilfield Sites

Rep. Karen Gaudet St. Germain

Urges and requests the secretary of the Dept. of Natural Resources, in consultation with the Office of Conservation, the Attorney General, and the Department of Environmental Quality, to study the remediation of "legacy" and orphaned exploration and production oilfield sites.



Utilities

SB 42: City of Bastrop

Sen. Mike Walsworth

Repeals certain powers and duties of the city of Bastrop, limiting its quicktaking powers, to only acquiring property for roads for any municipal purpose. The bill also requires a majority vote by qualified electors for the erection, purchase, or maintenance and operation of waterworks, electric plants or gas plants.

HB 383: Underground Utilities and Facilities Damage Prevention Law Changes

Rep. Jeffrey Arnold

Makes alterations to the Louisiana Underground Utilities and Facilities Damage Prevention Law such as redefining the terms “emergency” and “agricultural excavator” as well as extends time for excavators when they are dealing with underground utilities.



Louisiana

Environmental Legislation

Coastal Zone Management

HB 208: Morgan City

Rep. Sam Jones

Expands the territorial limits of the Morgan City Harbor and Terminal District.

HB 219: Atchafalaya Basin Conservation Fund

Rep. Sam Jones

Provides for funds to purchase land in the Atchafalaya Basin from willing sellers.

HB 245: Oyster Fishing

Rep. Michael Jackson

Relates to harvest and sale of oysters for raw consumption. The bill requires a time limit on transportation of such oysters from harvest to refrigeration.

SB 23: Boating

Sen. Dan Morrish

Exempts a person who is licensed by the United States Coast Guard as a captain from the boating safety education requirement.

SB 73: Fishing

Sen. Dan Morrish

Provides oyster harvesting in Calcasieu Lake, giving harvest limits, permits and rulemaking authority, as well as providing terms, conditions and penalties.

SB 145: Historic Gulfward Boundary Extension

Sen. Dan Claitor

Provides that the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from the coastline. The proposed law specifies that "3 marine leagues" is equal to 9 geographic miles or 10.357 statute miles. Further, provides that no provision of the proposed law will be construed to relinquish any dominion, sovereignty, territory, property, or rights of the state of Louisiana or its political subdivisions otherwise provided by law.

SR 157: Wildlife Fisheries Department

Sen. Jean-Paul Morrell

Requests the Department of Wildlife and Fisheries and the Louisiana Universities Marine Consortium to conduct a study on the lack of shrimp growth in the Barataria Basin.

**HCR 151: Coastal Day**

Rep. Simone Champagne

Designates Monday, June 6, 2011, as Coastal Day at the La. Legislature.

Emergency Management and Homeland Security**SCR 96: Deepwater Horizon oil spill**

Sen. Joe McPherson

Requests the Governor's Office of Coastal Activities and the office of coastal protection and restoration to support the establishment of a state seashore and the restoration of the habitat of Elmer's Island, Fourchon Beach, and Caminada Headland, as recompense for damages to natural resources caused by the Deepwater Horizon Oil Spill, and requests that such recompense be taken under consideration by the National Oceanic and Atmospheric Administration in developing the programmatic environment impact statement for the national resources damage assessment.

HCR 102: Department of Wildlife and Fisheries

Rep. Gordon Dove

Expresses support for the request by the secretary of the Dept. of Wildlife and Fisheries to the U.S. Secretary of Commerce to declare a fisheries disaster in the state of Louisiana.

HCR 199: Shrimp Fishing

Rep. Joe Harrison

Requests BP to establish a price support system for La. seafood which has been damaged in the world seafood markets due to negative perception after the Deepwater Horizon well explosion and leak.

Environmental Health Services**SCR 18: Sabine Reef**

Sen. Dan Morrish

Requests the Office of Coastal Protection and Restoration and the Department of Wildlife and Fisheries to jointly study shoreline protection, effects on marine species diversity and habitat quality, and economic and other ecosystem service values of the Sabine Reef.

Inland Water Resource Management and Conservation**HB 75: Fishing**

Rep. Jerry Gisclair

Allows the commercial taking of live mullet outside the commercial season for the exclusive purposes of providing bait. This bill provides that only a cast net may be used and authorizes the Wildlife and Fisheries Commission to adopt necessary rules and regulations. In addition, the provisions require a commercial fishing license and a commercial gear license in order to take live mullet outside the season. The bill limits



cast nets to 12 feet long that are operated manually and prohibits taking of live mullet for bait on weekends and at night.

HCR 13: Red River Compact

Rep. Samuel Little

Urges and requests the state of Arkansas, the governor of Arkansas, and the Red River Compact Commission to take affirmative action to increase the flow of all streams to the rates agreed to in the Red River Compact.

HB 312: Fishing Devices

Rep. Billy Chandler

Exempts hoop nets on portions of Little River from certain restrictions.

HB 321: Water Resources

Rep. Jean Deorge

Provides for the authority to sell the surface waters of Lake Bistineau.

HB 474: Districts/Water/Fresh

Rep. Joe Harrison

Provides that members of the Board of Commissioners of certain fresh water districts shall be appointed by the governor.

SB 48: Water Quality

Sen. Gerald Long

Changes the membership and meeting requirements of the Groundwater Management Advisory (GMA) Task Force by providing that 15 members of the GMA Task Force will constitute a quorum. Further, it provides that a quorum being present, the favorable vote of at least 10 members of the Task Force or a simple majority of the total membership present, whichever is greater, will be required for the commission to take action on any matter.

Land Management and Conservation

HB 58: Jefferson Parish

Rep. Anthony Ligi

Provides for the lease of certain state property. The bill authorizes the lease of certain water bottoms and reclaimed lands in Jefferson Parish, as well as provides for reservation of mineral rights.

HB 77: Iberia Parish

Rep. Taylor Barras

Authorizes the transfer of certain state property in Iberia Parish.

HB 113: Iberville Parish

Rep. Karen Gaudet St. Germain

Authorizes the transfer of certain properties in Iberville Parish.

**HB 169: Hunting**

Rep. Cameron Henry

Authorizes the use of a firearm fitted with a sound suppressor for such taking when the person taking the outlaw quadruped is authorized to possess such firearm fitted with a sound suppressor, as evidenced by possession of the federal tax stamp required by the Bureau of Alcohol, Tobacco, Firearms and Explosives. The measure prohibits use of a sound suppressor by any person convicted of a hunting violation class four or greater for five years after the date of conviction.

HB 201: Vernon Parish

Rep. James Armes

Provides for the transfer of certain property in Vernon Parish.

HB 294: Wildlife/Habitat

Rep. Major Thibaut, Jr.

Authorizes the Wildlife and Fisheries Commission to promulgate rules and regulations authorizing the trapping of feral hogs any time of year and remove firearm limitation on taking outlaw quadrupeds, nutria, and beaver on private property, and removes the limitation on the type of firearm used.

HB 459: Orleans Parish and Vernon Parish

Rep. Neil Abramson

Authorizes the transfer of certain state properties in Orleans Parish and Vernon Parish.

SB 119: Public Lands

Sen. Jonathan Perry

Provides for certain provisions regarding leases on public lands. The bill exempts lands administered, controlled or managed by the Department of Wildlife and Fisheries from certain restrictions on public leases and provides terms of a lease transferred to the state from another party. The measure also provides other additional terms, conditions and requirements.

Reorganization and Coordination

HB 193: Agriculture

Rep. John F. Anders

Merges the Feed Fund and the Fertilizer Fund and creates the Feed and Fertilizer Fund as well as merges the Crop Pests and Diseases Fund, the Apiary Fund, and the Horticulture Commission Fund and creates the Horticulture and Quarantine Fund. Also, it expands the allowable expenses of the fund to include the Office of Agricultural and Environmental Sciences as determined by the Commissioner.

HB 289: Wildlife and Fisheries Department

Rep. James Morris

Provides relative to uses and limitations of the Lifetime License Endowment Trust Fund and the Conservation Fund used by the Department of Wildlife and Fisheries.

**HB 296: Artificial Reef Development Fund**

Rep. Hunter Greene

Provides for certain uses for monies in the Artificial Reef Development Fund.

HB 372: MC Davis Conservation Fund

Rep. Thomas Mcvea

Establishes the MC Davis Conservation Fund within the Conservation Fund and dedicates certain state revenues from the MC Davis Property for purposes of the fund.

HB 639: Boards and Commissions

Rep. M.J. Smiley Jr.

Abolishes certain boards, commissions, authorities and like entities and transfers certain powers and responsibilities. The measure removes references to, and provisions for, and the powers, functions, and duties of the Commission on Public Retirement, the Compensation Review Commission, the Emergency/Disaster Medicine Review Panel, the Louisiana Governor's Mansion Commission, the Hurricane Katrina Memorial Commission, the Louisiana Wetlands Conservation and Hurricane Protection Tourist Center Commission, the Small Business Entrepreneurship Commission, the Louisiana Technology Innovations Council, and the Youth Enhanced Services Consortium; and the Offshore Terminal Authority. The bill also provides for the transfer of some of the powers, functions, and duties of some of the above-referenced entities, as well as provides for certain technical corrections regarding placement of the boards and commissions in the Executive Reorganization Act. Finally, the bill creates the Louisiana Soybean and Grain Research and Promotion Board.

Solid Waste

HB 195: Purchase of Used Junk

Rep. Clifton Richardson

Regulates the purchase of junk or used or secondhand property by secondhand dealers.

Water Quality and Pollution Control

HB 471: Water/Drinking Water

Rep. Mickey James Guillory

Prohibits the use, installation or repair, introduction into commerce, or selling of pipes, fittings, fixtures, solder, or flux that are not "lead free" when used for conveying water for human consumption.

SB 153: Public Contracts

Sen. Edwin Murray

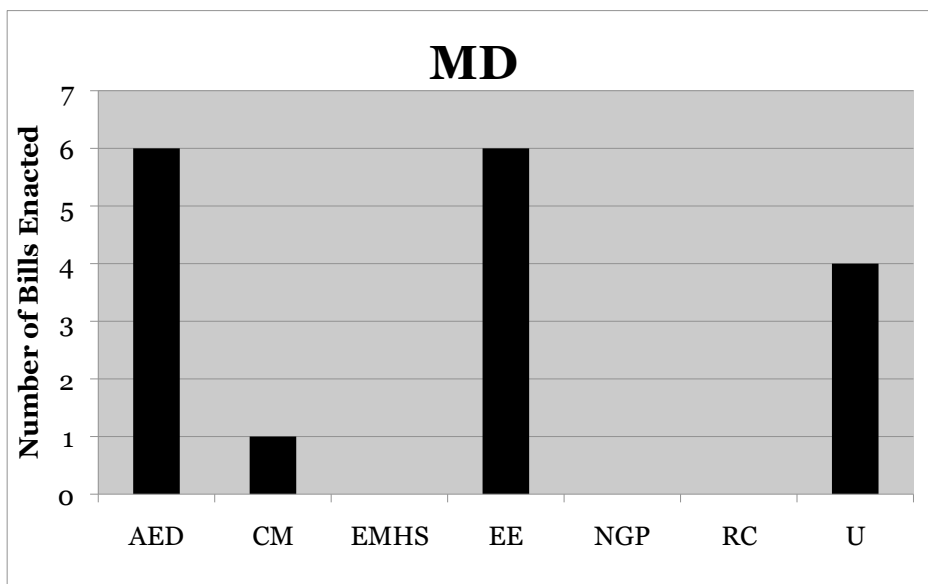
Requires the inclusion of addenda with the bid form on public works contracts conducted by the New Orleans Sewerage and Water Board.



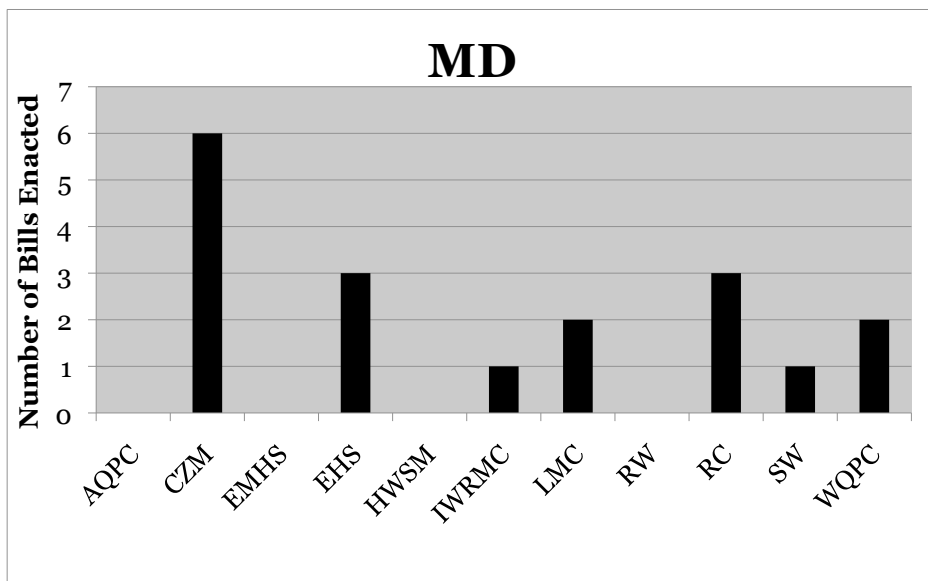
Maryland

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Maryland

Energy Legislation

Alternative Energy Development

SB 670/HB 306: Solar Hot Water Systems

Sen. Rosapepe and Del. Barbara Frush

Reestablishes the Task Force on Solar Hot Water Systems in Prince George's County and provides for the designation of a chair of the task force. Prince George's County Government is required to provide staff for the task force, and members of the task force are prohibited from receiving compensation. The task force is required to undertake specified activities relating to the use of solar hot water systems in Prince George's County.

SB 690: Renewable Source

Sen. Thomas Middleton

Alters the renewable energy portfolio standards (RPS) to include energy from waste-to-energy as a Tier 1 renewable source, instead of a Tier 2 renewable source. A waste-to-energy facility must be connected with the electric distribution grid serving Maryland in order to be eligible for inclusion in meeting Tier 1 RPS. The bill allows a waste-to-energy facility to be eligible for inclusion in meeting Tier 1 RPS regardless of when the facility was placed in service.

SB 691/HB 590: Generator Lines for Renewable Power

Sen. Thomas Middleton and Del. Dereck Davis

Specifies that a person must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission to construct a qualified generator lead line. A "qualified generator lead line" is an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company. A person may not apply for a CPCN to construct a qualified generator lead line unless the person offered the electric company that owns the portion of the grid to which the qualified generator lead line would interconnect the right of first refusal to construct the qualified generator lead line.

SB 717/ HB 933: Solar Water Heating System

Sen. Rob Garagiola and Del. Sally Jameson

Provides that energy from a specified solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard. The bill also provides that a person that owns and operates a specified solar water heating system shall receive a specified renewable energy credit under specified circumstances. The legislation also requires that the total amount of energy generated and consumed by a nonresidential or commercial solar water heating system be measured by a specified meter.



SB 961: Biodiesel Fuel Requirement for State Vehicles

Sen. Rob Garagiola

Alters the requirement from the state ensuring at least a specified percentage of vehicles using diesel fuel in the state vehicle fleet use a blended fuel containing at least a specified percentage of biodiesel fuel using specified biofuels. A specified provision does not apply to a state vehicle, piece of heavy equipment or heating equipment for which mechanical failure due to use of a specified biofuel will void a specified manufacturer's warranty.

SB 398/HB 502 : Solar and Wind Energy

Sen. Nancy King and Del. Kumar Barve

Exempts the sale of electricity generated by solar energy equipment or residential wind energy equipment for use in residential property owned by an eligible customer generator from the state sales and use tax.

Coal and Minerals

HB 210: Mine Reclamation

Del. Maggie McIntosh

Repeals an obsolete date in the funding provisions of Maryland's abandoned mine reclamation law to conform to the amended federal law and eliminate the need for future statutory changes resulting from any future revisions to the federal law. In accordance with the federal Surface Mining Control and Reclamation Act (SMCRA), MDE administers the abandoned mine reclamation program and expends federal funds to reclaim abandoned surface mines, control mine subsidence, perform stream restoration, treat acid mine drainage, and for other water quality purposes. SMCRA was amended in 2006 to increase the limit from 10% to 30% on federal funds that may be deposited in Maryland's Acid Mine Drainage Abatement and Treatment Fund for environmental restoration activities.

Energy Efficiency

HB 163: State Tax Credit for Electric Vehicles

Speaker of the House Rep. Michael Bush (By the request of the Governor)

Allows a state income tax credit of 20% of the cost of qualified electric vehicle recharging equipment, which is to be placed in service in tax years 2011, 2012, and 2013, limited to \$400 for each system. The credit is limited to one recharging system per individual and 30 recharging systems per business entity.

SB 179/HB 164: Pilot Program for Electric Vehicles

Senate President Sen. Thomas Miller Jr. and Speaker of the House Rep. Michael Bush Requires the Public Service Commission to establish a demand response pilot program for charging electric vehicles by June 30, 2013. The bill authorizes an electric company to request to participate in the program and includes incentives for specified customer classes. The joint bills require the Public Service Commission to report to the Governor and General Assembly on the program by February 1, 2015.



SB176/ HB 167: Maryland Electric Vehicle Infrastructure Council

Senate President Sen. Thomas Miller Jr. and Speaker of the House Rep. Michael Bush Establishes the Maryland Electric Vehicle Infrastructure Council and specifies the membership and staffing of the Council. The legislation requires the Governor to designate the chair or co-chairs of the Council and prohibits members of the Council from receiving specific compensation but authorizes the reimbursement of specified expenses. The legislature requires the Council submit an interim and a final report by specified dates and mandates that the Council recommend policies that support electric vehicle charging from clean energy sources.

HB 972: Green Building

Del. Dana Stein

Authorizes the Department of Housing and Community Development (DHCD) to adopt by regulation the International Green Construction Code (IGCC) and authorizes local jurisdictions to adopt and make local amendments to the IGCC, as an overlay to and voluntary alternative to existing construction codes.

HB 630: Residential LEED Rated Building Requirements

Del. Pamela Beidle

Requires the DHCD to encourage the construction of new “high-performance homes.” The bill defines a high-performance home as a new residential structure that meets or exceeds the current version of either the Silver rating of the International Code Council’s 700 National Green Building Standards, or the Silver rating of the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) for Homes Rating System.

HB 643: Energy Efficient Lighting

Del. Alfred Carr

Prohibits the use of state funds to install or replace permanent outdoor luminaire for lighting on the grounds of any state building unless the luminaire meets certain requirements. Certain exceptions to the requirements apply if the Board of Public Works or the Board’s designees grant waivers to the requirements of this Act.

Utilities

SB 244/HB 597: Public Awareness Campaign for Competitive Electric Supply Options

Sen. Catherine Pugh and Del. Dereck Davis

Requires the Public Service Commission (PSC) to take certain actions to increase awareness about competitive electric supply options. The PSC must host and regularly update a customer choice education page on its website and must work with local media outlets to develop and air public service announcements publicizing customer choice. The PSC must recover associated costs through the annual assessment on public service companies. By July 1, 2011, the PSC must convene a workgroup of interested parties to advise PSC on improvements to the PSC website information and on additional methods of consumer education that can effectively supplement the bills’ requirements.

**SB 380/ HB 860: Basis for Accrued Credits for Net Metering**

Sen. Paul Pinsky and Del. Brian McHale

Makes changes to the net energy metering program by changing the way an eligible customer electric generator may accrue credits from excess generation from a dollar basis to a kilowatt-hour (kWh) basis. Net energy metering is the measurement of the difference between the electricity that is supplied by an electric company and the electricity that is generated by an eligible customer generator and fed back to the electric company over the eligible customer generator's billing period.

SB 271/ HB 275: Net Energy Metering for Hydroelectric Facilities

Sen. George Edwards and Allegany County by request

Expands the sources of generation that are eligible for net energy metering to include a closed conduit hydroelectric generating facility. A closed conduit hydroelectric facility must generate electricity within existing piping or limited adjacent piping of a potable water supply system, be owned by a municipality or public water authority and be designed to produce less energy than is consumed to operate the water supply system.

SB 692/HB 391: Implementation of Service and Reliability Standards

Sen. Thomas Middleton and Del. Brian Feldman

Requires the PSC to adopt regulations on or before July 1, 2012, that implement specified service quality and reliability standards relating to the delivery of electricity to retail customers by electric companies through their distribution systems. The regulations must include service quality and reliability standards, including standards relating to service interruptions, downed wire response, customer communications, vegetation management, periodic equipment inspections and annual reliability reporting.



Maryland

Environmental Legislation

Coastal Zone Management

SB 414/HB 396: Oysters and Fishing

Sen. Brian Frosh and Del. Pamela Beidle

Authorizes the Department of Natural Resources (DNR) police officers to issue electronic citations, modifies recreational and commercial fishing license hearing requirements, and clarifies and expands the authority of the Department of Natural Resources to conduct tidal fish license-related inspections.

SB 159/HB 273: Oyster Poaching

Sen. Brian Frosh and Del. Jim Gilchrist

Revokes a license to catch oysters for anyone caught taking oysters unlawfully and creates a citation, hearing, license revocation, and appeals process for revoked licensees.

HB 208: Shellfish Leasing Areas

Del. Maggie McIntosh

Alters the areas within which the Secretary of Natural Resources may establish aquaculture limits. The law authorizes the DNR to resurvey specified areas for a specified purpose and requires DNR to amend natural oyster bar charts or coordinates by regulation under specified circumstances. The law also provides for DNR to alter and establish restrictions for Aquaculture Enterprise Zones and leases. The law provides that the DNR may only issue a shellfish lease to a corporation under specified circumstances.

SB 635/HB 1154: Authorization to Catch Striped Bass and Crabs

Sen. Brian Frosh and Del. Jim Gilchrist

Provides for the revocation of a license for knowingly and unlawfully taking striped bass or crabs and requires adoption of regulations that establish grounds for the revocation and an appeals process.

HB 1252: Large-Scale Striped Bass Poaching

Del. Herb McMillain

Establishes additional penalties for illegally, taking more than \$20,000 worth of striped bass.

SB 655/HB 1225: Commercial Fishing Violations

Sen. Paul Pinsky and Del. Jim Gilchrist

Establishes enhanced penalties for a person who commits a commercial fisheries violation while the person's commercial fishing license or authorization is suspended or revoked or who engages in commercial fishing activities without an appropriate license or authorization.



Environmental Health Services

HB 817: Composting

Del. Heather Mizuer

Requires the Department of the Environment to maintain information on its web site to educate the public about composting and to promote composting in the state. The law also requires the Department of Agriculture and the Maryland Environmental Service to study specified matters related to composting, including specified information, and to make recommendations.

HB 602: Recycling and Transit

Del. Mike Summers

Requires the Maryland Transit Administration and the Maryland Department of Transportation, in consultation with the Washington Metropolitan Area Transit Authority, to jointly study and make recommendations relating to the establishment of a program to place collection bins for recycling adjacent to collection bins for garbage at transit stations in Maryland.

SB 320: Commercial Detergents

Sen. Karen Montgomery

Prohibits the commercial use of detergents containing more than .05% phosphorus.

Inland Water Resource Management and Conservation

HB 890: Reservoir Drainage

Del. Wade Kach

Requires a local governing body to consider whether specified land drains into a reservoir in the state in prioritizing applications to sell specified easements under the Maryland Agricultural Land Preservation Program. Also, the bill adds to the list of land conservation priorities that the Secretary of Natural Resources is required to consider in allocating the state's share of funds under Program Open Space.

Land Management and Conservation

HB 831: Invasive Plants Advisory Committee

Del. Shane Robinson

Establishes an Invasive Plants Advisory Committee within the Department of Agriculture to advise the Secretary of Agriculture in adopting regulations related to invasive plants and to review and report on a science-based risk assessment protocol for invasive plants required to be established under the bill. The Secretary of Agriculture must adopt regulations by October 1, 2012, which, among other things, establish a science-based risk assessment protocol for invasive plants on which to base the establishment of specified tier 1 and tier 2 plant lists. By October 1, 2013, the Secretary must adopt additional regulations to establish tier 1 and tier 2 plant lists and phase in the implementation of the Act's requirements regulating invasive plants.



SB 468 / HB 625: Deer Hunting on Sunday

Carol County Senators and Delegates

Authorizes deer hunting in Carroll County on private property with a bow and arrow or crossbow on the last three Sundays in October and the second Sunday in November, and at DNR's discretion, during the first Sunday of both the bow hunting season in November and the deer firearms season. Unless there is a codified and specified exception, hunting game birds or mammals on Sundays is generally prohibited in Maryland.

Reorganization and Coordination

HB 877: Government Incentives

Del. Dereck Davis

Repeals obsolete references to a "designated neighborhood" and replaces them with "sustainable community" and removes "designated neighborhoods" from the definition of a Priority Funding Area (PFA), as consistent with the Maryland Sustainable Communities Act of 2010.

SB 80: Tree Expert Licenses

Sen. Joan Conway

Repeals the statutory license, renewal, and exam fees applicable to tree experts and authorizes DNR to set the original and renewal tree expert license fees by regulation. Tree expert license fees set by regulation may not exceed the cost of processing the license application or renewal. The law also repeals the annual renewal requirement for tree expert licenses and authorizes DNR to establish a license renewal biennial timetable and procedure by regulation. The law sunsets September 30, 2016.

SB 487/HB 573: Fertilizer Use Act of 2011

Sen. Thomas Middleton and Del. James Hubbard

Changes the state law related to the nitrogen and phosphorus content of specialty fertilizers labeled for use on turf, the labeling of specialty fertilizers used on turf and the nonagricultural application of commercial and specialty fertilizer. In addition, this bill establishes fertilizer content and labeling requirements.

Solid Waste

HB 602: Recycling Program Requirements for Rapid Transit

Del. Michael Summers

Requires the Maryland Transit Administration and the Maryland Department of Transportation, in consultation with the Washington Metropolitan Area Transit Authority, to jointly study and make recommendations relating to the establishment of a recycling program at transit stations in Maryland. The recommendations must identify transit stations where recycling would be the most practicable and economically feasible. A report on the recommendations must be submitted to the Presiding Officers of the General Assembly and specified legislative committees by December 1, 2011.



Water Quality and Pollution Control

SB 539/HB 57: Use of Septics Account of the Bay Restoration Fund

Sen. Richard Colburn and Del. Rob Costa

Expands the use of the Septics Account of the Bay Restoration Fund to include providing grants or loans for connecting a property served by a septic system to an existing municipal wastewater facility with enhanced nutrient removal level treatment.

SB 372/HB 347: Evaluate Nitrogen Removal Technologies for Septic Systems

Sen. Joan Conway and Del. Stephen Lafferty

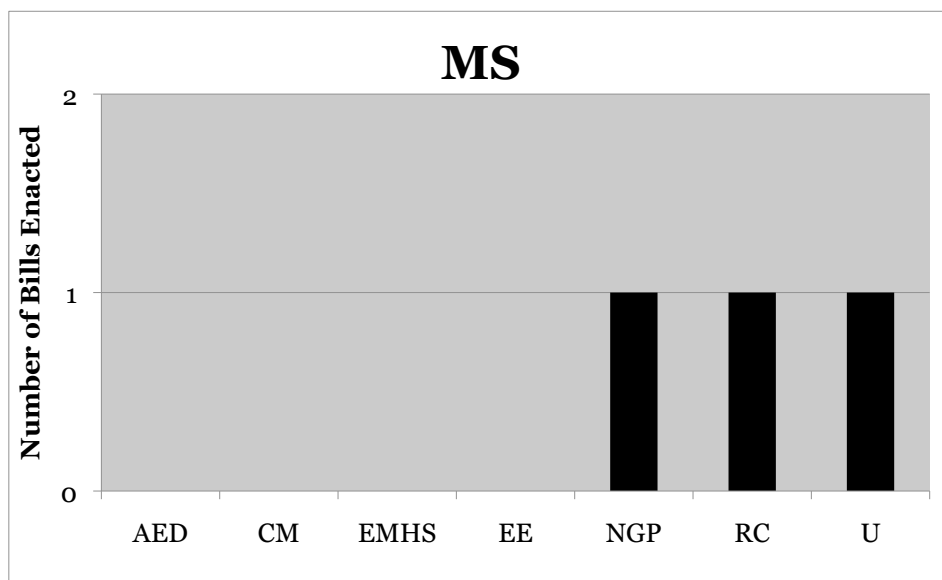
Requires the Maryland Department of the Environment (MDE) to evaluate and rank nitrogen removal technologies for septic systems and to advise local governments and citizens of approved technologies that qualify for funding under the Bay Restoration Fund. The Department is required to post the information on the Department's website.



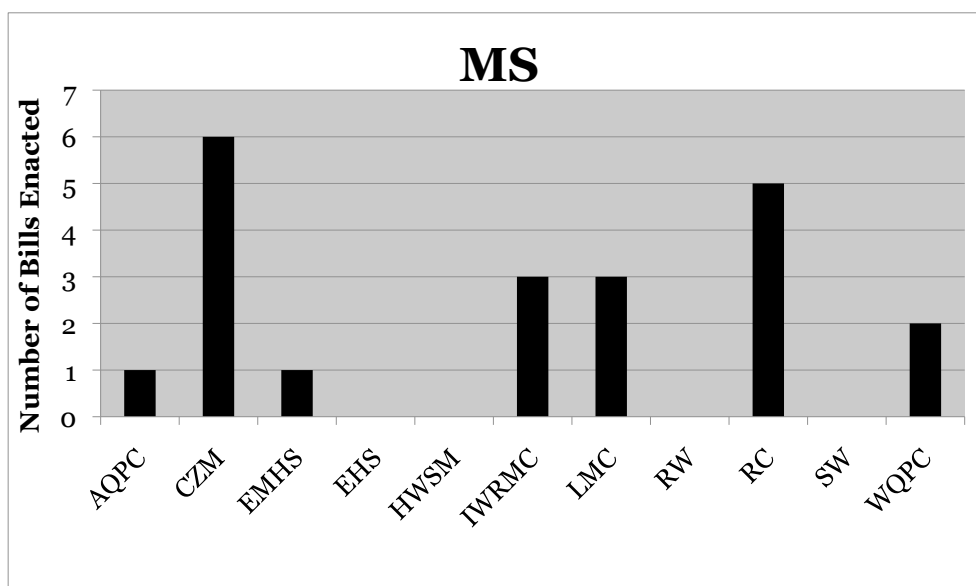
Mississippi

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Mississippi

Energy Legislation

Natural Gas and Petroleum

HB 598: Sales Tax

Rep. Billy Broomfield

Continues a law passed in 2010 that imposes a sales tax on construction activity or manufacturing or processing machinery to be installed and/or used at a refinery in Mississippi.

Reorganization and Coordination

SB 2619: Gulf Coast Region Utility Board

Sen. T.O. Moffatt

Continues the Mississippi Gulf Coast Region Utility Board by extending the termination date from July 1, 2011 to July 1, 2016.

Utilities

HB 1565: City of Moss Point

Rep. Billy Broomfield

Authorizes the City of Moss Point, Mississippi, to expand its water, sewer and gas services to areas more than five miles outside the corporate limits of the City.



Mississippi

Environmental Legislation

Air Quality and Pollution Control

SB 2723: Mississippi Geologic Sequestration of Carbon Dioxide Act.

Sen. Bob Dearing

Establishes standards by which the Mississippi Department of Environmental Quality and the Mississippi Oil and Gas Board will oversee and monitor geologic sequestration of CO₂. The Act outlines duties of the Board, which currently oversees the use of CO₂ in oil wells. The measure directs the MDEQ and the Board to work out an agreement on regulating CO₂ stored in oil and gas fields for EOR.

The Act directs MDEQ and the Board to seek primary enforcement authority for Class VI underground injection control wells and to develop rules consistent with federal statutes. Under the Act, EOR facilities may convert to combined EOR/geologic storage facilities. The legislation establishes a Carbon Dioxide Storage Trust Fund for specific uses. In addition, the law vests pore space ownership in the surface estate, with certain qualifications, and allows operators of geologic sequestration facilities (GSF) to acquire subsurface property rights through state assisted unitization when a majority of property interest owners agree to operate as a unit. Finally, the bill states that while existing EOR operators may exercise the option to be considered a GSF, the law has no other effect on them.

Coastal Zone Management

HB 761: Coastal Wetland Permits

Rep. Frances Fredericks

Revises the procedure required to object to an application for a permit to affect coastal wetlands under the state's Coastal Wetland Protection Act. The bill expands the parties with standing to request a public hearing on a permit application including political subdivisions, state agencies or a group of five or more people affected by the application. Previously, the applicant was the sole party with standing to request a hearing.

HB 762: Coastal Wetlands Permit

Rep. Frances Fredericks

Provides that the date of review for a complete coastal wetlands permit application begins on the date of the last amendment.

**HB 765: Regulating Live Bait Camps**

Rep. Frances Fredericks

Provides that applications for “live bait camps” for live bait shrimp may be submitted at anytime during the year instead of between the first of January and April and that these camps may be inspected within thirty (30) days after an application is received.

HB 768: Free Fishing Weekend

Rep. Frances Fredericks

Designates the first weekend of “National Fishing and Boating Week” in June of each year as “Free Fishing Weekend” and provides that a person may saltwater sport fish without a license during Free Fishing Weekend.

SB 2948: Definition of Saltwater Minnows

Sen. Tommy Dickerson

Includes the scientific name of the family of fundulidae minnows in the definition of saltwater minnows under the statute that governs the catching or trapping of saltwater minnows for sale by licensed fishermen.

SB 2958: Commercial Fishing

Sen. Tommy Dickerson

Clarifies the coastal boundaries where commercial fishing is prohibited.

Emergency Management and Homeland Security

HC 89: Commending response to Deepwater Horizon oil spill

Rep. Frances Fredricks

Recognizes and commends the commitment, dedication, personal sacrifice and "labor of love" of each state agency employee who responded to, and continues to respond to, the impacts of the British Petroleum deepwater horizon oil spill on the state of Mississippi.

Inland Water Resource Management and Conservation

HB 204: Drainage Structure Improvements

Rep. John Mayo

Authorizes counties to work on natural and man-made drainage structures along with other streams or water courses.

HB 345: Water Well Permitting

Rep. Joseph Warren

Extends the provisions of Mississippi law exempting a person who constructs a water well for irrigating their own farm from the requirement to obtain a permit and extends the exemption to July 1, 2014.



SB 2839: Special Sales Tax for Infrastructure Improvements

Sen. John Horhn

Authorizes the levy of a municipal special sales tax in certain municipalities to provide that the revenue collected pursuant to the tax levy shall be used to pay the cost of, among other things, water, sewer and drainage projects. It also provides for a master plan for water, sewer and drainage projects.

Land Management and Conservation

SB 2511: Hunting rights on sixteenth section school land

Sen. W. Briggs Hopson III

Clarifies that the local school board is authorized to reject bids for hunting and fishing rights on sixteenth section school land and hold an auction among those who submitted bids.

SB 2914: Regulation of Crawfish and Shrimp Labels in Restaurants

Sen. Tommy Gollott

Prohibits a restaurant from misrepresenting that imported shrimp or crawfish is domestic and also provides penalties.

SB 2959: Personal Consumption of Shrimp

Sen. Tommy Dickerson

Increases the amount of shrimp that a person may take for personal consumption from certain locations.

Reorganization and Coordination

HB 213: Continuation of the Mississippi Public Service Commission

Rep. Joseph Warren

Reauthorizes the Mississippi Public Service Commission through December 31, 2012.

HB 757: Department of Agriculture and Commerce

Rep. Greg Ward

Authorizes the Department of Agriculture and Commerce to accept, budget, receive and expend funds from any source for improvements to facilities and for marketing and promotion programs of the Department. The bill creates a special fund for those funds and authorizes the Department of Agriculture and Commerce to allow advertising on Department property and in its publications as well as to sell certain items in the possession of the Mississippi Agriculture and Forestry Museum after reasonable attempts have been made to contact the donor of the item and are unsuccessful.

HB 1181: State parks

Rep. Thomas Reynolds

Authorizes the Mississippi Department of Wildlife, Fisheries and Parks to conduct a pilot program to lease lands within certain state parks for commercial development that is compatible with outdoor recreational purposes and accessible to the general public.



The bill establishes the process for the leases and creates the State Park Endowment Fund which will collect the revenues derived from such leases. The measure creates a task force to study and make recommendations on: the infrastructure needs and development in state parks, a dedicated source of revenue for state parks, the feasibility of electric power associations assuming jurisdiction for the operation, maintenance of electric transmission lines within state parks and the feasibility of establishing a separate department of parks and tourism. The measure also requires the Mississippi Department of Transportation to determine the feasibility of the maintenance and repair of all roads and streets within state parks.

HB 1199: Mississippi Windstorm Mitigation Coordinating Council

Rep. Scott Delano

Creates the Mississippi Windstorm Mitigation Coordinating Council. The bill provides for the membership and operation of the council. The measure states that the Mississippi Building Codes Council shall serve as an advisory council to the Mississippi Windstorm Mitigation Coordinating Council and creates the "Mississippi Windstorm Mitigation Fund" to receive monies to be used for the purposes of assisting the Mississippi windstorm mitigation coordinating council in developing and implementing a comprehensive and coordinated approach for windstorm mitigation. The bill also authorizes the Mississippi Windstorm Underwriting Association to enter into contractual agreements with third parties for the purposes of developing and implementing windstorm mitigation programs. Finally, the measure authorizes the use of certain monies from the Municipal Fire Protection Fund and certain county insurance rebate monies to be used for windstorm mitigation.

HB 1462: Restaurant Tax

Rep. John Mayo

Authorizes the governing authorities of the City of Southaven to levy an additional one percent tax upon the gross proceeds of sales of restaurants. The bill provides that the tax shall be used to promote tourism, parks and recreation.

Water Quality Pollution and Control

HB 105: Mississippi Individual On-site Wastewater Disposal System Law

Rep. John Mayo

Revises and adds certain definitions. The bill deletes certain provisions of law regarding certified professional evaluators' documentation and approval from the Department of Health when designing a design-based system. The measure provides that no fee shall be charged to a homeowner for training to assist the homeowner in maintaining the homeowner's system and allows homeowners to apply for a variance from the Department of Health by issuing a report and proof of errors and omissions insurance.

The measure further requires the installer or certified professional evaluator to notify the Department of Health at least 24 hours before beginning construction of a system and allows an installer to cover his work with soil or other surface material if a health inspector does not arrive for inspection after 24 hours from notification and to require



the installer to submit an affidavit of proper installation to the Department for final approval if such occurs.

The bill revises the provisions of law regarding the grandfathering of systems existing on July 1, 2008. The bill also exempts lots of certain acreage from the requirements relating to approval of individual on-site wastewater disposal systems by the Department, provided that certain conditions are met. The bill removes certain provisions of the law regarding the Department's on-site maintenance training program and requires the Department of Health to provide for renewal installer certifications to be applied for at the local department offices, and that the annual fee for installer certifications shall not be more than \$50.

The bill also states that a person may operate as a certified maintenance provider if he is a certified installer and that a person may operate as a certified professional evaluator if he is a registered professional engineer. The measure also states that the Department of Health may suspend or revoke a pumper's certification if the pumper dumps or disposes of septage or other liquid waste in an unpermitted or unapproved site. The bill allows municipal wastewater treatment facilities to make a site available for certified pumpers to dispose of septic or other liquid waste. The Department of Health is also required to provide for renewal pumper certifications to be applied for and granted at local department offices.

The measure creates the Wastewater Advisory Board, for the purpose of advising the Department of Health regarding individual on-site wastewater disposal systems. Finally, the bill extends the date of the repealer on the Mississippi Individual On-Site Wastewater Disposal System Law.

HB 1573: Marshall County

Rep. Kelvin Buck

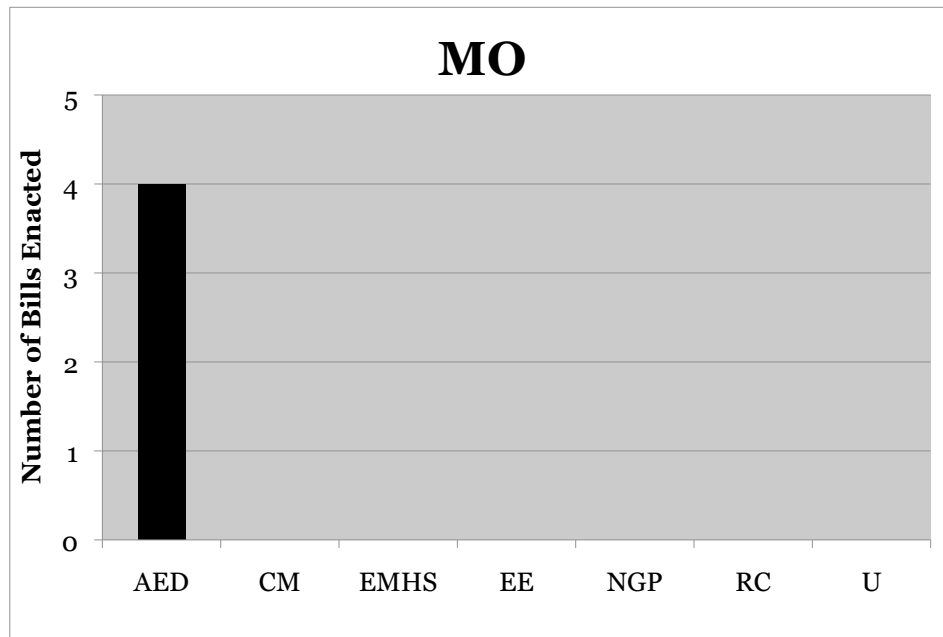
Authorizes the board of supervisors of Marshall County, Mississippi, to provide for the creation of the Cayce Community Sewer District. The bill provides that the District created, acting by and through the board of supervisors of Marshall County, Mississippi, will have all powers with respect to wastewater facilities that are granted to districts.



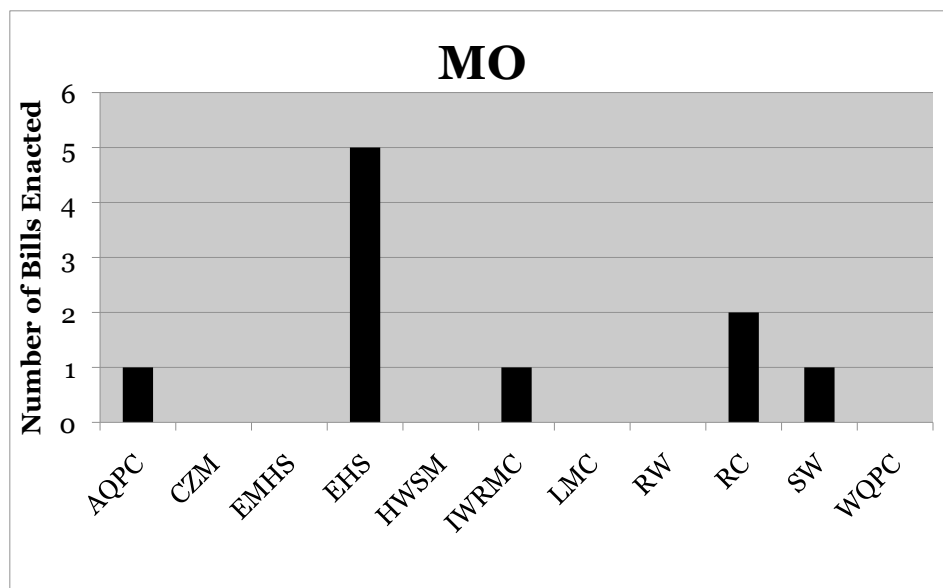
Missouri

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Missouri

Energy Legislation

Alternative Energy Development

HB 737: Renewable Energy

Rep. Craig Redmon

Changes the laws regarding renewable energy in enhanced enterprise zones and the taxation of hydroelectric power generating equipment.

SB 48: Modifying Provisions Related to Utilities

Sen. Robin Wright Jones

Allows the owner of a Cleanfields Renewable Energy Demonstration Park, which contains a biomass facility, to receive double renewable energy credits for certain energy generation and purchases. To receive such credits, the project must create new and retain existing jobs and offer health insurance to all employees and pay at least fifty percent of health insurance premiums. The Department of Economic Development, in conjunction with the Department of Natural Resources, will verify applications for double credits and if approved, forward the application and approval to the Public Service Commission. Upon receipt of an approved application, the Public Service Commission will assign double renewable energy credit for renewable energy resources purchased from the biomass facility by an electric supplier, and for electric power generated off-site through the use of biomass fuel purchased from a biomass facility located at the park or generated by renewable energy resources utilizing storage equipment manufactured at the park.

The bill also changes the termination notice requirements for water and sewer service providers by removing the requirement to send notice by certified mail. Finally, provisions include matters related to administrative and appellate procedures at the Missouri Public Service Commission and customer utility service deposits.

HCR 48: Thorium

Rep. Dave Schatz

Strongly urges the United States Congress to support the Pea Ridge Mine in the extraction of thorium and the development of refineries for thorium power plants.

SCR 1: Renewable Energy

Sen. Luann Ridgeway

Removes the requirement that utilities generate renewable electricity, like wind, solar, and biomass, from in-state projects or from projects from surrounding states that deliver power into Missouri. Under the measure, utilities may comply with the Missouri's Renewable Energy Standard (RES) by paying to develop renewable energy projects in other locations. This action disapproves a final order of the Missouri Public Service Commission.



Missouri's RES was passed into law in November 2008 and requires that investor-owned utilities produce or buy no less than 15 percent of their electricity from renewable resources like wind, biomass, and solar by 2021.



Missouri

Environmental Legislation

Air Quality and Pollution Control

HCR 42: Urges Congress to Prohibit the EPA from Regulating Greenhouse Gas Emissions

Rep. Doug Funderburk

Urges the United States Congress to:

- Adopt legislation prohibiting EPA from regulating greenhouse gas emissions, including defunding EPA greenhouse gas regulatory activities, if necessary;
- Impose a moratorium on promulgation of any new air quality regulation by EPA, except to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory activities; and
- Require the Administration to undertake a study identifying all regulatory activity the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all of these regulations on the economy, jobs, and the economic competitiveness of the United States.

Environmental Health Services

HB 89: Omnibus Natural Resources Bill

Rep. Darrell Pollock

This bill sets forth a number of environmental provisions including:

- Establishing a Drinking Water Supply Lake Authority in Sullivan County;
- Provisions addressing the administration and Governance of Public Water Supply District Board of Directors;
- Determining the feasibility of real time bacterial water quality testing on public beaches and reporting the findings to the legislature by December 31, 2011;
- Creating the Private Landowner Protection Act to allow the creation and enforcement of conservation easements designed to protect the environment or preserve history and culture;
- Restrictions on mining permits and public hearing requirements for such permits;
- Creating the Cleanfields Renewable Energy Demonstration Project for property subject to remediation under federal or state law;
- Changing the appeal requirements for administrative hearings involving a state regulatory environmental commission;
- Provisions regarding environmental permitting;
- Requiring notification of public health risks based on water quality test results;



- The Governor must create a committee and review state services and agencies, specifically the transfer of the Division of Energy, in an effort to possibly consolidate them for the purposes of cutting costs and increasing benefits;
- Addressing asbestos and related air quality matters;
- Clean Water Commission permits and requirements for appeals;
- Requiring the Dept. of Natural Resources to determine whether its rules are affordable and specifying criteria used to make such a determination; and
- Addressing the regulation and enforcement of standards for individual on-site sewage disposal systems.

HB 458: Missouri Farmland Trust Act

Rep. Tom Loehner

Changes the laws regarding sales tax exemptions for farm equipment, noxious weeds, listing of livestock brands, and grain dealers. Also, it establishes the Missouri Farmland Trust Act and the Private Landowner Protection Act. These provisions are discussed under HB 89 and SB 356.

SB 135: State Environmental Regulations

Sen. Kurt Schaefer

Makes certain changes to regulations dealing with the State Park Earnings Fund, Lead-Acid Battery Fees, Hazardous Waste Fees, Dry-Cleaning Facilities, Motor fuel, Motor Fuel Vapor Recovery Fees and Expanded Polypropylene Coolers.

The Act allows the state or any political subdivision to transfer ownership of scrap tires or tire shred to any Missouri-based company if the cost of the transfer is less than the cost of disposal of the tires and the company does not put the tires in a landfill or burn them as a fuel source without a permit. The company must bear the cost of transporting the tires to its facility.

The bill directs the Board of Trustees of the Petroleum Storage Tank Insurance Trust Fund to investigate creating an underground storage tank operator training program. Under certain conditions, the bill provides exemptions for charitable or benevolent organizations from water well permit requirements.

Finally, the bill provides procedures for accepting and handling documents prepared by a registered professional engineer, in connection with permits submitted to the Department of Natural Resources.

SB 187: Nuisances and Junkyards

Sen. Brad Lager

Regulates junkyards and private nuisances on property primarily used for crop or agricultural purposes. This Act requires a certain distance between junkyards and other institutions and specifies what types of compensatory damages may be awarded in an action for private nuisance where the alleged nuisance emanates from property primarily used for crop or animal production purposes. If the nuisance is a permanent nuisance, compensatory damages will be measured by the reduction in the fair market value of the property. If the nuisance is a temporary nuisance, compensatory damages



are measured by the decrease in the fair rental value of the property. The person who files the lawsuit may also recover compensatory damages for their medical condition, if there is evidence that the medical condition was caused by the nuisance.

SB 356: Omnibus Agriculture Bill

Sen. Brian Munzlinger

This bill provides multiple changes to the state's agriculture laws and policies, such as:

- Changing the name of the Joint Committee on Urban Farming to the "Joint Committee on Urban Agriculture;"
- Allowing individuals and corporations to donate a minimum of \$1 or \$2 for a combined return, of any tax refund owed to them by the state of Missouri for the purpose of making a donation to the Puppy Protection Trust Fund;
- Creating state and local sales and use tax exemptions for sales of captive wildlife;
- Adds freight charges to the sales and use tax exemptions for agricultural-related items;
- Including "accessories" for farm machinery and equipment in the definition of "farm machinery and equipment;"
- Providing a sales and use tax exemption for rotary mowers that are used exclusively for agricultural purposes;
- Creating the Missouri Farmland Trust Act, which authorizes the Department of Agriculture to accept or acquire farmland in the state for the purpose of leasing the land to beginning farmers;
- Creating the Missouri Farmland Trust Fund and the Missouri Farmland Trust Advisory Board. Monies from the fund may be used to make payments to counties in lieu of property taxes and to improve or maintain the land in the farmland trust;
- Expanding the requirement to control musk thistles, scotch thistle and Canada thistle to all plants that are designated by rule as a "noxious weed" by the Department of Agriculture. The Department must maintain a list of all noxious weeds and make the list available to the public;
- Requiring the Department of Agriculture to publish a book of all livestock brands on record and send copies of the book to all county recorders of deeds, livestock markets, and slaughter plants;
- Exempting rice producers and growers from the provision allowing agricultural producers or growers to request a refund of commodity merchandising fees from the director of the Department of Agriculture;
- Modifying the threshold requirement of a "grain dealer" to 50,000 bushels of grain instead of \$100,000 worth of grain.

Inland Water Resource Management and Conservation

HB 250: Water Well Regulations

Rep. Stanley Cox

Changes the laws regarding water well regulations.



Reorganization and Coordination

HB 6: Appropriations for the Department of Agriculture, Department of Natural Resources, and Department of Conservation

Rep. Ryan Silvey

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and their divisions and programs as well as for capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources.

HB 190: Cash Transaction by the Department of Natural Resources

Rep. Don Ruzicka

Authorizes the Commissioner of the Office of Administration to provide funds in an amount not to exceed \$500 each to the division directors of State Parks and Geology and Land Survey or to any other division within the Department to be placed in a revolving fund for the purpose of cash transactions involving the sale of items made by that division.

Solid Waste

HB 578: Disposal of Used Tires

Rep. Mike Thomson

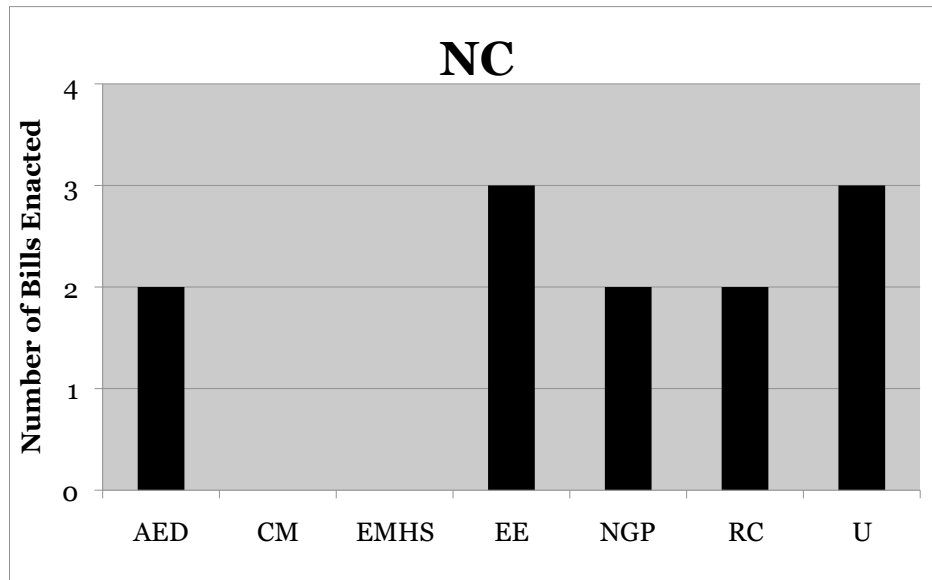
Allows the state or any political subdivision or agency of the state to transfer possession and ownership of used tires, scrap tires, or tire shred to any in-state private entity to be lawfully disposed of or recycled if the tires or tire shred are not burned as fuel or disposed of in a landfill. The cost of transferring the tires or tire shred must be less than the cost the state, political subdivision, or agency would have otherwise incurred had it disposed of the tires or shred. The private entity must pay for the transportation of the used tires.



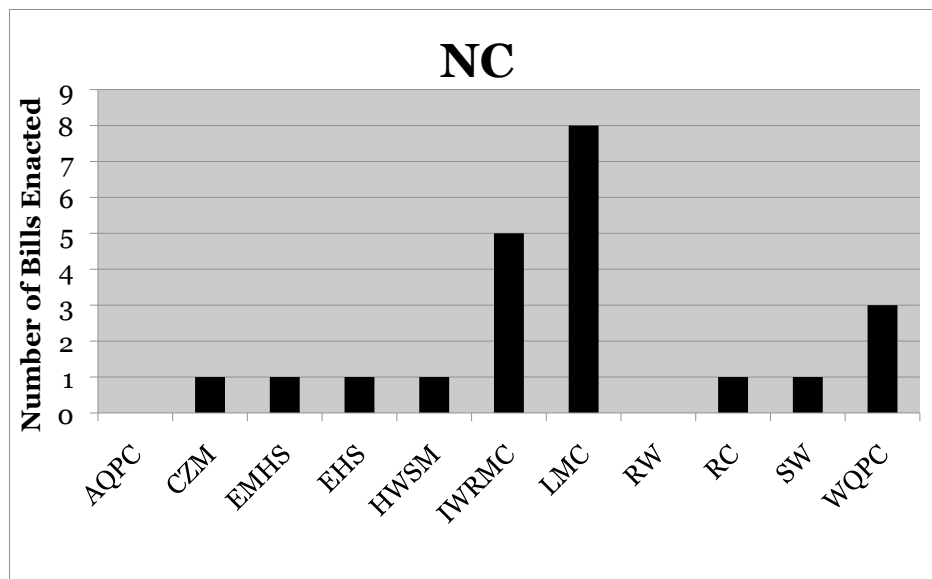
North Carolina

Legislation Category Comparison

Energy Legislation



Environmental Legislation





North Carolina

Energy Legislation

Alternative Energy Development

SB 378: Energy Crops for Biofuels Feedstock

Sen. Thom Goolsby

Directs the North Carolina Interagency Group to establish scientific agriculture rates of proper application levels of animal waste, particularly swine waste to certain biofuel feedstock crops, including miscanthus, switchgrass, fiber sorghum, sweet sorghum and giant reed. The bill provides for a report on the development and publication of interim and final agronomic rates by July 1, 2011 and December 1, 2014 respectively.

SB 484: REPS Credits at Cleanfields Parks

Sen. Brent Jackson

Provides that the additional Renewable Energy Portfolio Standards (REPS) credits assigned to the first 10 megawatts of biomass renewable energy facility generation are eligible to satisfy the North Carolina Poultry Waste Set-Aside.

Energy Efficiency

HB 222: Electric Vehicle Incentives

Rep. David Lewis and Sen. Tom Apodaca

Authorizes plug-in electric vehicles to operate in high occupancy vehicle lanes and exempts plug-in electric vehicles from emissions inspection requirements.

HB 266: Local Energy Efficiency

Rep. Jennifer Weiss

Expands the exemption from competitive bidding, notice and other requirements when letting contracts for use as part of local pilot programs aimed at increasing energy efficiency.

SB 75: Promote Electricity Demand Reduction

Sen. Fletcher Hartsell, Jr.

Promotes the use of electricity demand reduction by electric public utilities, corporations and municipalities to satisfy North Carolina's Renewable Energy Portfolio Standard. The provisions define "electricity demand reduction" as a measurable reduction in the electricity demand of a retail electric customer that is voluntary, under the real-time control of both the electric power supplier and the retail electric customer, and measured in real time, using two-way communications devices that communicate on the basis of standards.



Natural Gas and Petroleum

HB 187: Require Labels for Ethanol-Blended Gasoline

Rep. Pat Hurley

Requires the Gasoline and Oil Inspection Board, housed within the Department of Agriculture and Consumer Services' (DACS) Standards Division, to adopt rules that require labels for all dispensing devices that offer ethanol-blended gasoline for retail sale in North Carolina. The labels must indicate that the gasoline offered for sale contains either 10% or less ethanol by volume or greater than 10% ethanol by volume. The Gasoline and Oil Inspection Board is authorized, but not required, to adopt rules that include more specific information on ethanol content than outlined above.

HB 242: Requirements for Drilling

Rep. Mitch Gillespie

Increases the amount of bond required upon registration in order to drill for oil or natural gas and increases the amount of fees applicable to drilling and abandoning oil or gas wells. Additionally, the bill directs Department of Environment and Natural Resources (DENR) to study and conduct hearings on the use of drilling and hydraulic fracturing for oil and gas exploration.

Reorganization and Coordination

SB 22: APA Rules: Limit Additional Costs

Sen. Harry Brown

Relates to the North Carolina Administrative Procedures Act and prohibits any new rule which results in "additional costs of \$500,000 on the aggregate of persons subject to the rule" unless "required to respond" to some new legislation, federal rule, court order or "serious and unforeseen threat."

SJR 17: Joint Regulatory Reform Committee Established

Sen. Harry Brown

Establishes a Joint Regulatory Reform Committee of the North Carolina General Assembly.

The Committee will have the following powers and duties:

- Hold meetings and receive input from the public, regulated community and agencies regarding outdated, unnecessary, unduly burdensome or vague rules and rule-making procedures that are an impediment to private sector job creation;
- Evaluate the reform suggestions presented during the public comment process and determine which warrant introduction and consideration during the Session of the General Assembly in 2011 or 2012;
- Review the rule-making process to determine if the procedures for adopting rules give adequate consideration to the potential impact on job creation;
- Report to the General Assembly concerning any recommendations for statutory changes.

The Committee's final report is due by May 1, 2012.



Utilities

HB 103: Requirements for Mineral Oil Spills

Rep. Mike Hager

Clarifies the requirements applicable to notice, collection and removal of certain mineral oil discharges from electrical equipment. The bill defines “mineral oil” as a light nontoxic liquid petroleum distillate used as a coolant and insulator in electrical equipment owned by a public utility. The measure also requires notice to the Department of Environment and Natural Resources (DENR) within 24 hours of confirmation of certain kinds of discharges and specifies the collection and restoration requirements, including soil removal.

HB 117: Electric Cities/Use of Rate Revenue

Rep. N. Leo Daughy

Provides that Municipal Electric Systems in several towns must use revenue from electric service rates to pay the direct and indirect costs of operating and transfers funds to other municipal accounts. Any remaining funds from electric service revenue are to be used for debt service on bonds and other indebtedness.

SB 155/HB 216: Local Stormwater Utility Fees

Sen. Josh Stein and Rep. Tom Murry

Allows several cities and towns to collect delinquent stormwater utility fees in the same manner as they may collect delinquent personal and real property taxes.



North Carolina

Environmental Legislation

Coastal Zone Management

SB 145: Southern Shores Canal Dredging/Maintenance

Sen. Stan White

Allows the town of Southern Shores to create a fee supported Canal Dredging and Maintenance District. The fee may be assessed on all property contiguous to a canal within the town's limits.

Emergency Management and Homeland Security

SB 146/HB 173: Suspend Plastic Bag Ban/Supply Distribution

Sen. Harry Brown and Rep. Phil Shepard

Suspend the North Carolina ban on plastic bags in certain coastal areas due to the disruption in the supply of paper bags because of the severe tornados of April 16, 2011.

Environmental Health Services

SB 501/HB 529: Swine House Renovations/Site Limits

Sen. David Rouzer and Rep. Jimmy Dixon

Provides for the construction or renovation of swine houses at certain preexisting swine farms. The bill allows a waiver of distance requirement for swine houses constructed near a residence, school, hospital, church or property boundary, if the owner gives written permission.

Hazardous Waste and Substance Management

HB 45/SB 48: Accelerate Cleanup of Industrial Properties

Rep. Mitch Gillespie and Sen. Austin Allran

Authorizes risk-based cleanup of contaminated industrial sites using site-specific cleanup standards designed to protect public health, safety, welfare and environment based on the current and anticipated future use of a site. Generally, cleanup based on site-specific risk factors is not as stringent as cleanup performed to meet unrestricted use standards, where contaminant concentrations remaining at a location must be acceptable for all uses.

The measure makes risk-based cleanup available for contaminated industrial sites that are governed by cleanup programs for hazardous and solid waste management, groundwater protection, oil pollution control and where the release of contamination was reported to the Department of Environment and Natural Resources (DENR) prior to March 1, 2011. Risk-based cleanup would not be available for contaminated



industrial sites that are governed by cleanup programs for leaking underground storage tanks, dry-cleaning facilities and certain landfills.

Pursuant to the bill, site-specific remediation or cleanup standards must be developed by a responder and approved by DENR for contaminated industrial sites to eliminate or reduce any substantial or probable future risk to human health and the environment based on the present or anticipated future use of the site.

A person who proposes a risk-based cleanup must prepare and submit: a remedial investigation report and a remedial action plan to DENR; a notice of intent to conduct the risk-based cleanup to all local governments having jurisdiction over the site and to all adjoining landowners. It also requires a certification to DENR that the notice of intent was properly distributed and responses processed.

DENR is authorized to issue a determination that no further cleanup is required when determines that an approved remedial action plan has been implemented and applicable cleanup standards attained.

Once a determination has been issued, DENR may only require additional cleanup under specific circumstances, such as a finding that subsequent monitoring indicates that cleanup standards were not achieved, an undocumented contaminant release is discovered or one or more of the restrictions imposed on the site as part of the cleanup have been violated.

Inland Water Resource Management and Conservation

HB 62/SB 64: Prohibit Boylston Creek Reclassification

Rep. W. David Guice and Sen. Jim Davis

Prohibits the rule from the Environmental Management Commission changing the water quality classification of Boylston Creek to trout water.

HB 492: Stormwater/Population Growth

Rep. Julia Howard

Provides that development in unincorporated areas of a county is not subject to certain post-construction stormwater control standards or any administrative rules adopted to replace such standards when the development is located in a county that contains an urbanized area and meets certain population growth rates.

HB 750: Stormwater and Septage Management

Rep. Daniel McComas

Requires the Department of Environment and Natural Resources to transfer certain stormwater management permits. It provides that the rules of a “sanitary district” may not be more restrictive than or conflict with county ordinances and prohibits any person from contracting or subcontracting to rent, lease portable toilets or manage or dispose of portable toilet waste unless that person has a permit to operate a septage management firm.



SB 320: Municipal Water Systems

Sen. Clark Jenkins

Allows a sale, lease or discontinuance of water treatment, distribution or wastewater services by voter approved referendum.

SB 676: Clarify Water and Well Rights

Sen. David Rouzer

Clarifies landowners' rights over water and water well construction by stipulating that permits for wells cannot be delayed or denied by local government fiat.

Land Management and Conservation

HB 29/SB 66: Retrieval of Big Game

Rep. Tim Moore and Sen. Debbie Clary

Allows hunters to pursue and retrieve big game animals with a portable light source and a single leashed dog until 11p.m. Use of a motorized vehicle for such pursuit and retrieval is prohibited.

HB 119: Amendments to Environmental Laws 2011

Rep. Mitch Gillespie and Sen. Ruth Samuelson

Makes multiple and significant changes to state environmental and natural resource laws, including:

- Exempting certain new renewable energy facilities from best available control technology (BACT) requirements. BACT means an emissions limitation based on the maximum degree of reduction in the emission of air pollutants that is achievable for a facility, taking into account energy, environmental, and economic impacts and other costs;
- Reducing certain open burning minimum setback requirements for: (i) open burning for land clearing or right-of-way maintenance without an air quality permit must be at least 500 feet (currently 1000 feet) from any dwelling, group of dwellings, or commercial or institutional establishment, or other occupied structure not located on the property on which the burning is conducted; and (ii) air curtain burning must be at least 300 feet (currently 500 feet) from any dwelling, group of dwellings, or commercial or institutional establishment, or other occupied structure not located on the property on which the burning is conducted. The section also provides that minimal, unintentional non-compliance with an open burning setback is not a violation;
- Providing that draft erosion and sedimentation control plans for the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, may be submitted without a landowner's written consent, if the landowner has been provided prior notice of the project;
- Clarifying that the prohibition on the disposal in landfills or by incineration of beverage containers that are required to be recycled by certain ABC permittees applies only to ABC permittees;
- Providing that for purposes of the program for the removal of mercury containing products from public buildings, a political subdivision of the State "using State



funds" means the political subdivision has received grant funding from the State for the construction or operation of the public building;

- Directing the Environmental Management Commission (EMC) to develop model practices for incorporation of stormwater capture and reuse into stormwater management programs and to make the information on those model practices available to State agencies and local governments;
- Prohibiting the Division of Water Quality of the Department of Environment and Natural Resources (DENR) from requiring a water quality permit for a type I solid waste compost facility, unless required to do so by federal law. Type I facilities may receive yard and garden waste, silvicultural waste, untreated and unpainted wood waste;
- Amending the outdoor potable water use standard for public major facility construction projects to require the use of weather-based irrigation controllers. This provision only applies to projects that haven't entered the schematic design phase by the effective date of the act;
- Providing that no permit will be required to enter into a contract for the construction, installation, or alteration of any treatment works or disposal system or to construct, install or alter any treatment works or disposal system when the system's or work's principle function is to conduct, treat, equalize, neutralize, stabilize, recycle, or dispose of industrial waste or sewage from an industrial facility and the discharge of the industrial waste or sewage is authorized under a permit issued for the discharge of the industrial waste or sewage into the waters of the State. Notwithstanding the above, the permit issued for the discharge may be modified if required by federal regulation;
- Making the following changes to the Dam Safety Act: (i) exempt a dam constructed for the purpose of providing water for agricultural use when a licensed professional engineer designed or approved plans for the dam, supervised its construction, and registered the dam with the Division of Land Resources of DENR. The exemption, however, does not apply to dams determined to be high-hazard by DENR; and (ii) expands the exemption for small dams by increasing the height threshold from 15 feet to 25 feet and increasing the impoundment capacity threshold from less than 10 acre-feet to less than 50 acre-feet. The dam safety exemption provisions apply retroactively to any dam that is the subject of an enforcement action that has not been resolved as of June 1, 2011;
- Making various changes to the laws governing the State's Underground Storage Tank Program and petroleum discharges;
- Clarifying that costs associated with a site investigation that is required by DENR for the purpose of determining whether a discharge of petroleum from an underground storage tank (UST) system has occurred are reimbursable, whether or not the investigation confirms the discharge. Costs resulting from investigations that are part of routine leak detection procedures required by statute or rule, however, would not be reimbursable;
- Amending the statute governing the reimbursement of costs from the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund for cleanup of multiple discharges at the same facility. The section provides that if an owner or operator elects to cleanup a separate discharge for which the owner or



operator is not responsible, the responsible party for the other discharge cannot be identified, and the discharges are commingled, the owner or operator would only be responsible for those costs applicable to the discharge for which the owner or operator is actually the responsible party;

- Establishing a process to assist in cases of severe financial hardship, requiring DENR to use up to \$1,000,000 of the funds in the Commercial Fund and \$100,000 from the Non-Commercial Fund to fund necessary assessment and cleanup to be conducted by DENR of discharges for which a responsible party has been identified but for which the responsible party can demonstrate that undertaking the costs of assessment and cleanup will impose a severe financial hardship. The provision directs the EMC to adopt rules in this regard, which, among other things, would provide that determinations of eligibility for such assistance would be made by a subcommittee of the penalty remissions committee of the EMC;
- Modifying certain requirements applicable to USTs, including: (i) amending the statute that mandates adoption of rules to require secondary containment for all components of USTs, to clarify that the provision is not to be construed to limit the right of an owner or operator to repair any existing component of a UST; and (ii) requiring DENR to allow non-tank unprotected metallic components, including flex connectors and other metal fittings and connectors at the ends of piping runs, to have corrosion protection added as an alternative to replacement of these components if the component does not have visible corrosion and passes a tightness test;
- Extending the final deadline of a rule requiring certain USTs to meet well setback requirements or provide secondary containment for the system from January 1, 2016 to January 1, 2020; (ii) requires the EMC to establish a variance process applicable to the setbacks required for UST systems from certain public water supply wells, if the EMC finds facts to demonstrate that such variance will not endanger human health and welfare or groundwater; and (iii) requires the EMC to adopt rules accordingly by January 1, 2014;
- Providing that the rule that uses the distance between a source area of a confirmed discharge from a UST to a water supply well or a private drinking water well to determine the risk of a discharge must include a determination whether a nearby well is likely to be affected by the discharge as a factor in determining the level of risk;
- Providing that, from the effective date of the act, DENR cannot prohibit the use of cathodically protected steel tanks to meet external corrosion protection standards, and requires the EMC to adopt rules accordingly by January 1, 2014.
- Directing the EMC to adopt rules to identify acceptable uses of gray water, facilitate the permitting of gray water systems, and establish standards for gray water; (ii) provides that gray water systems would be regulated by DENR under rules adopted by the EMC; and (iii) provides that a city may not prohibit the installation and maintenance of cisterns and rain barrels.
- Modifying implementation of the Jordan Lake Rules under S.L. 2009-216 to provide that existing dischargers must limit their total nitrogen discharge in accordance with the Wastewater Discharge Rule by 2016, unless the discharger has received an authorization pursuant to G.S. 143-215.1 for construction,



installation, or alteration of the treatment works for purposes of complying with the allocation under Wastewater Discharge Rule 15A NCAC 02B .0270 by December 31, 2016, at which point the compliance date must be no later than calendar year 2018.

- Authorizing the Commission for Public Health to adopt rules to incorporate the federal food code and authorizes the Department of Health and Human Services (DHHS) to grant variances from food and lodging rules if DHHS determines that the variance will not result in a health hazard or nuisance condition.
- Establishing a process for the issuance of variances from the setback requirements for public water supply wells under certain circumstances.
- Providing that where application of the riparian buffer requirements of the Neuse River Basin Riparian Buffer Rule or the Tar Pamlico River Basin Riparian Buffer Rule to a lot of two acres or less that was platted and recorded prior to August 1, 2000, would preclude construction of a single-family residence and necessary infrastructure, the single-family residence may encroach on the buffer if certain conditions are met. The section also directs DENR to study the application and implementation of these rules, including broadening of the grandfathering provision.
- Providing that a ginseng export certificate may be obtained free of charge. Currently there is an export certification fee of \$3.00 per pound required for each shipment.
- Changing the sunset for the Methane Capture Pilot Program from September 1, 2017 to September 1, 2011.
- Directing DENR to study storm water management requirements for airports and consider whether the requirements might be amended or implemented in a different way to achieve the same level of water quality protection while reducing the cost and other regulatory burdens of compliance.
- Directing DENR to transfer certain grant funds for the control of nonpoint source pollution to the Division of Forest Resources (DFR) and the Division of Soil and Water Conservation (DSWC) in the same amounts that those grant funds have been transferred during the two most-recent fiscal bienniums. Base grant funds must be transferred where consistent with federal grant program requirements and if those funds are increased or decreased in any funding cycle, the level of funding to DFR and DSWC must be adjusted proportionally. Competitive grant funds must consider water quality benefit and be distributed in a fair and equitable manner based on the grant requirements and the benefit. The section provides that the Division of Water Quality must establish a Workgroup of Nonpoint Source Agencies, including DFR and DSWC, which will consider the competitive grant project proposals. The workgroup must be given full input to the project funding decisions.
- Making changes to financial assurance requirements for applicants for a permit and permit holders for hazardous waste facilities. In particular, the section: (i) adds a requirement for financial assurance sufficient to cover subsequent costs incurred by the Department in response to an incident at a facility; (ii) eliminates a specific requirement for financial assurance to cover costs of off-site screening for potential migration of contaminants in the event of a release of hazardous waste or hazardous waste constituents into the environment; (iii) eliminates a



prohibition on use of financial tests or captive insurance as mechanisms to satisfy financial assurance requirements; (iv) provides that compliance with applicable federal requirements for financial assurance is sufficient to meet the requirements under State law; (v) eliminates a requirement that an applicant provide cost estimates for facility closure, post-closure maintenance and monitoring, and any corrective action that the Department may require, as well as estimates for off-site screening for potential migration of contaminants in the event of a release of hazardous waste or hazardous waste constituents into the environment; and (vi) requires the EMC to adopt rules regarding financial responsibility to implement the financial assurance provisions included in the section, which must not exceed or be more stringent than requirements for financial assurance provided by federal regulation or law.

SB 499: Clarifying Management of the Agricultural Development and Farmland Preservation Enabling Act

Sen. Bill Rabon

Clarifies that the Department of Agriculture and Consumer Services is responsible for administering the Agricultural Development and Farmland Preservation Enabling Act.

HB 762: Landowner Protection Act

Rep. Daniel McComas

Provides instructions on proper posting of notices on property. The Act changes the trespass law to provide that anyone on the land of another that has been posted without written permission is guilty of a class two misdemeanor.

SB 46: Surry Fox and Coyote Taking Season

Sen. Don East

Establishes October 15 through March 1 as an open season for taking foxes and coyotes in Surry and Alleghany counties.

SB 68: Robeson Hunting and Fishing

Sen. Michael Walters

Adds Robeson County to the list of counties that prohibit hunting and fishing on the property of another without written permission.

SB 261/HB 529: Chowan Fox Seasons

Sen. Ed Jones and Rep. Timothy Spear

Establishes a season for taking foxes with weapons and trapping during the trapping season set by the Wildlife Resources Commission each year.

HB 410: Pinebluff/Preserve Land for Parks

Rep. James Boles, Jr.

Authorizes the town of Pinebluff to preserve certain undeveloped property owned by the town for park land.



Reorganization and Coordination

SB781: Regulatory Reform Act of 2011

Senator David Rouzer

Encompasses the recommendations of the Joint Legislative Regulatory Reform Committee. The bill makes numerous changes to the Administrative Procedure Act (APA) relating to the rulemaking process, the contested case process, and judicial review of agency decisions. Each year, agencies must conduct a review of existing rules and repeal any rules which it finds to be unnecessary, unduly burdensome, or inconsistent. The bill also makes a number of other changes to the laws relating to certain environmental policies.

Solid Waste

HB 209: Amend Solid Waste Financial Assurance Requirements

Rep. Dan Ingle

Allows a corporate financial test as a method of providing financial assurance for the operation and expansion of landfills.

Water Quality and Pollution Control

HB 162: Exempt Small Agriculture Processing from Permit Requirements

Rep. James H. Langdon, Jr.

Relates to small-scale agricultural processing, exempting the owners of such facilities from the Department of Environment and Natural Resources wastewater permit requirements, if certain conditions are met including disposal by land application and no discharge to surface waters.

HB 268: Reclaimed Water Rules/Storm Debris Cleanup

Rep. Mitch Gillespie

Provides that reclaimed water used for irrigation of agricultural crops, including irrigation of ornamental crops by field nurseries and above ground container nurseries are deemed to be permitted by rule and do not require an individual permit. The bill further exempts artificial lakes and ponds used for storage and irrigation of reclaimed water from certain setback and design requirements. Finally, the bill authorizes the disposal, temporary storage and burning of storm-related debris from the tornados of April 16, 2011.

HB 388: Reclaimed Water Cross Connection Control

Rep. Stephen LaRoque

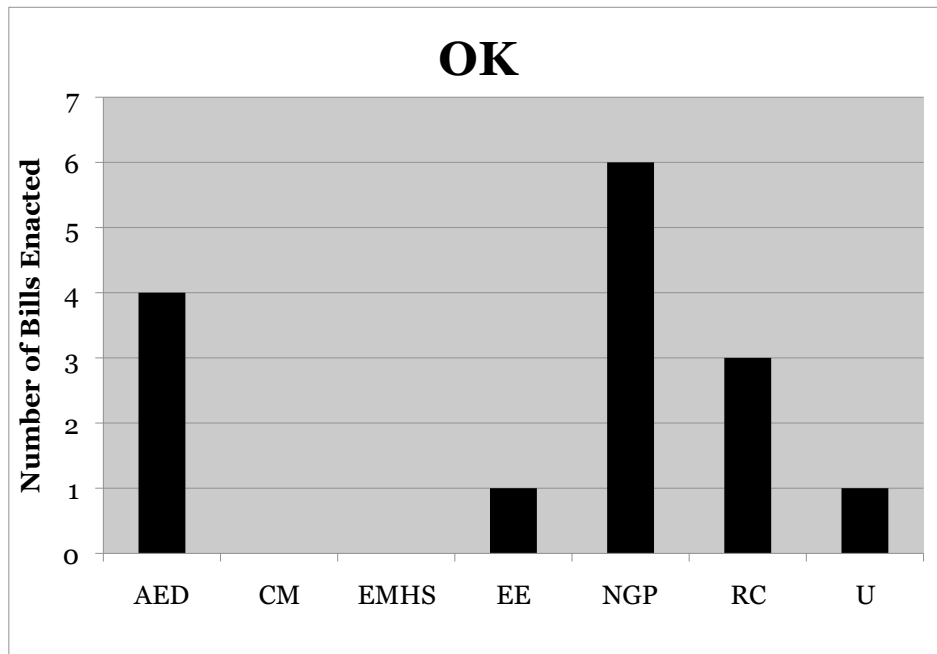
Allows the use of direct cross-connections between reclaimed water and potable water systems when connections have been approved by the Department of Environment and Natural Resources.



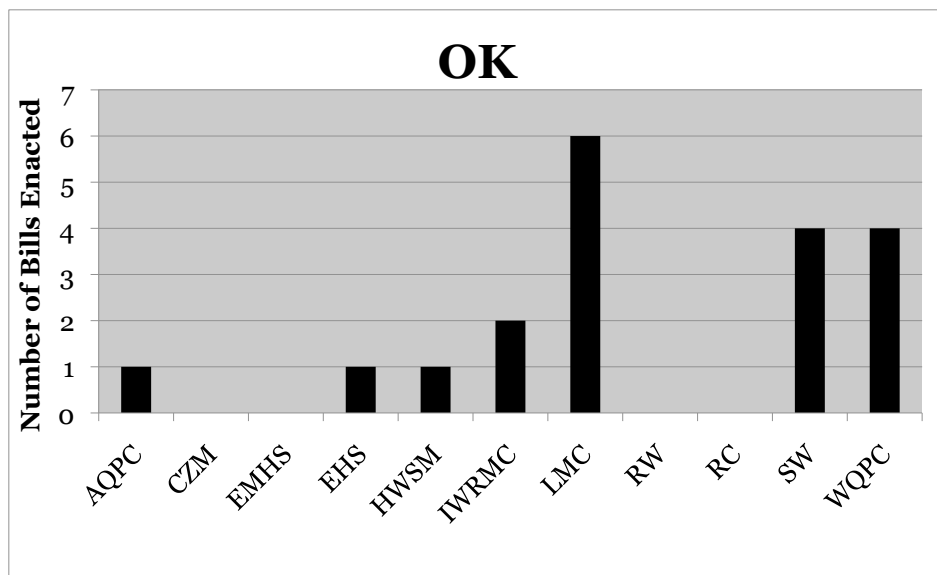
Oklahoma

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Oklahoma

Energy Legislation

Alternative Energy Development

HB 1323/SB 145: County Energy District

Sen. Mike Schulz and Rep. Harold Wright

Modifies the makeup of a county energy district authority by removing the requirement that the authority consist of five trustees and, instead, requires that the authority consist of the circuit engineering district board of directors. These authorities were created in 2009 by the Oklahoma Energy Independence Act to provide loans and grants for renewable energy, distributed energy and energy efficiency projects.

HB 1366: Municipal Energy Independence Act

Rep. Ron Peters

Creates the Oklahoma Municipal Energy Independence Act and authorizes a municipality to establish a municipal energy district authority as a public trust. The measure provides for the makeup of the authority and meeting requirements. The authority will have certain powers and duties related to conducting business, executing contracts, securing funding, making loans, coordinating programs and making grants for renewable energy, distributed energy and energy efficiency projects.

SB 102: Loans for Energy Independence

Sen. Cliff Aldridge

Stipulates that for any loan made pursuant to the Oklahoma Energy Independence Act, repayment must be based on the terms agreed to by the property owner and the county energy district authority. The measure also specifies that when a mortgage covering a property is recorded in the office of the county clerk, any loan on that property made pursuant to the Act constitutes a lien on the applicable property. Any mortgage securing a loan is junior and inferior to all previously recorded liens or mortgages. Failure to repay any loan made pursuant to the Act will result in judicial or nonjudicial foreclosure as provided by law.

SB 124: Wind Turbine Restrictions

Sen. Ron Justice

Prohibits wind turbine companies from using eminent domain for the siting or erection of wind turbines on private property.

Energy Efficiency

SB 100: Oklahoma Lighting Energy Conservation Act

Sen. Harry Coates

Repeals outdated provision of the Oklahoma Lighting Energy Conservation Act.



Natural Gas and Petroleum

HB 1488: Extending Gross Production Tax Incentives

Rep. David Brambaugh

Recognizes the significance and importance of the oil industry to the economy of the State of Oklahoma, HB 1488 extends the sunset dates for two years until July 1, 2014, for existing gross production tax exemptions for certain horizontally drilled wells and deep depth well production.

HB 1815: Compressed Natural Gas Tax Reduction

Rep. Danny Morgan

Modifies the existing taxation system for compressed natural gas to promote fairness and improved administration of motor fuel taxation by the Oklahoma Tax Commission. The bill reduces the levy of motor fuel taxation for compressed natural gas from 16 cents per gallon or gasoline gallon equivalent to 13 cents per gallon and allows a rate of tax to be imposed at 5 cents per gasoline gallons equivalent for a period of time sufficient to allow the development of compressed natural gas distribution systems. The provisions also require each person who engages in the selling of motor fuel or compressed natural gas to obtain a fuel vendor license. The legislation further exempts compressed natural gas from the definition of special fuels for purposes of vehicles required to obtain a special fuel tax decal.

HB 1821: Oil and Gas Exploration Rights Act

Rep. John Trebilcock

Creates the Exploration Rights Act of 2011 to try to mitigate potential conflicts between industries that rely upon the reasonable use of the surface estate, primarily the wind, oil, and gas industries. The measure outlines mineral owner rights with regard to the surface estate, and stipulates that certain parties may not unreasonably interfere with the mineral owner's right to make reasonable use of the surface estate.

HB 1909: 2011 Shale Reservoir Development Act

Rep. Mike Jackson

Modifies state statutes related to the regulation of horizontal drilling in shale reservoirs to harmonize Oklahoma laws with innovations in technology that have developed in the oil and gas industry. Among other things, the Act outlines the jurisdiction of the Oklahoma Corporation Commission with regard to multiunit horizontal wells and horizontal well unitizations.

SB 587: Well Plugging Fund Termination Date

Sen. Brian Bingaman

Extends the termination date of the Corporation Commission's [Well] Plugging Fund in addition to the termination dates for excise taxes on oil, natural gas and/or casinghead gas from July 1, 2011 to July 1, 2016. The bill also modifies language to adjust for the extended termination dates on these excise taxes.

**SB 885: Gross Production Tax**

Sen. Cliff Branan

Clarifies provisions in the tax law relating to horizontal and deep depth wells that qualify for a reduction in the gross production rate that were previously amended under HB 2432 in the 2010 legislative session. The previous legislation inadvertently excluded qualifying wells that existed prior to July 1, 2011.

Reorganization and Coordination

SB 598: Oklahoma Municipal Energy Independence Act

Sen. Brian Bingman

Creates the Oklahoma Municipal Energy Independence Act which stipulates that the governing body of a municipality may establish a municipal energy district authority. The authority is to consist of five trustees, including the mayor of the municipality who will serve as the chair of the authority. The measure outlines the general powers, duties, and authority of the trustees and specifies that the Act is to apply to developed property in the municipality on which property taxes are paid and current. The bill also describes certain loan arrangements that may be made by an authority, specifies the seniority and enforcement of liens and permits an authority to make grants to nonprofit organizations for certain items. The measure also outlines several requirements for property owners participating in programs offered by an authority pursuant to the Act.

HB 1308: Department of Environmental Quality Customer Assistance Program

Rep. Phil Richardson

Amends language related to the Department of Environmental Quality's Customer Services Division, renamed "The Customer Assistance Program" in the measure. It clarifies various duties of the program, including issuing information to the public such as electronic material and agency rules.

HB 2179: Water Resources Board Changes

Rep. Earl Sears

Changes the name of the Water Resources Board Revolving Fund to the Water Resources Board Fee Revolving Fund to match the statutory requirement that it only contain money derived from fees. The measure further adds a new revolving fund, the OWRB Revolving Fund, consisting of any other nondesignated funds the Board receives to be used by the Board for duties. Finally, the bill allows certain transfers for the purpose of paying attorney fees for various water-related lawsuits against the state.

Utilities

HB 1079: Electric Usage Data Protection Act

Rep. Scott Martin

Establishes the Electric Usage Data Protection Act to protect the confidentiality of consumer information gathered by smart meters now used by electric utility companies in Oklahoma. The bill establishes certain requirements related to access to and



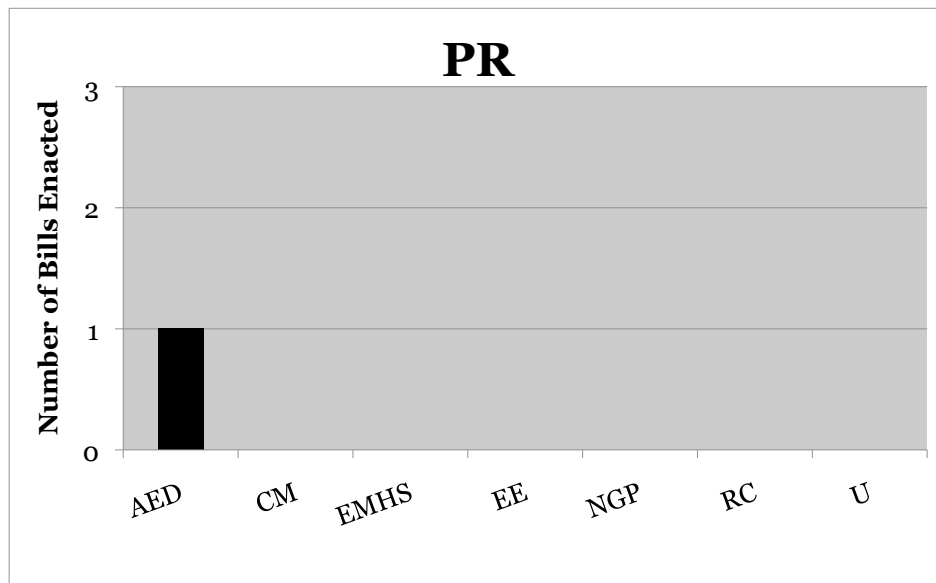
maintenance of the confidentiality of customer information and stipulates provisions under which certain types of information may be disclosed without customer consent.



Puerto Rico

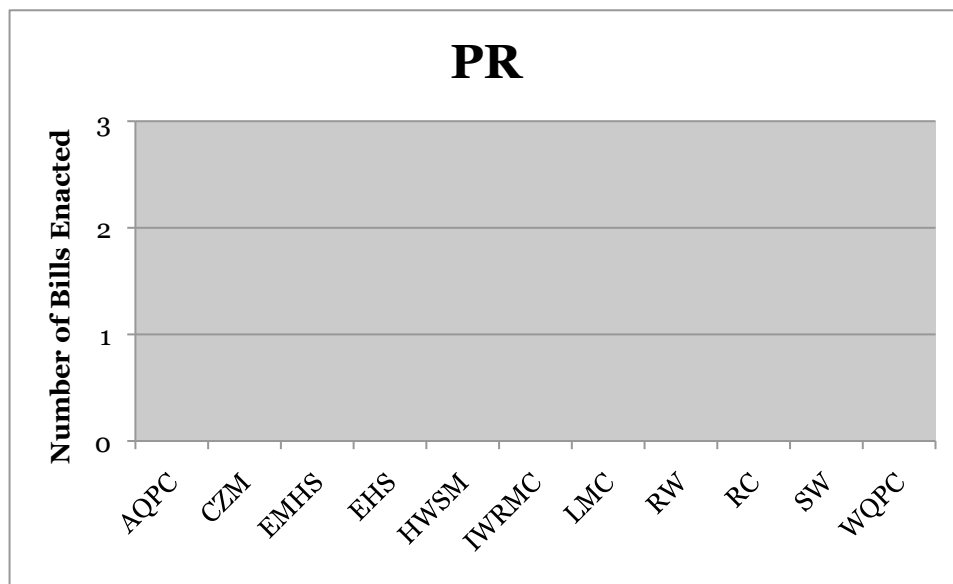
Legislation Category Comparison

Energy Legislation



Environmental Legislation

The Puerto Rico Legislature did not pass any Environmental bills during the 2011 legislative session.





Puerto Rico

Energy Legislation

Alternative Energy Development

SB 1953: Continuation of the State of Emergency to Address the Energy Crisis

Sen. Thomas Rivera Schatz

Continues the government of Puerto Rico's State of Emergency allowing the government to expedite implementation of various sustainable renewable energy and alternative renewable energy projects. Among these are projects related to photovoltaic solar energy, wind energy, fuel substitution, landfill gas recovery and combustion and municipal solid waste conversion to energy.



Puerto Rico

Environmental Legislation

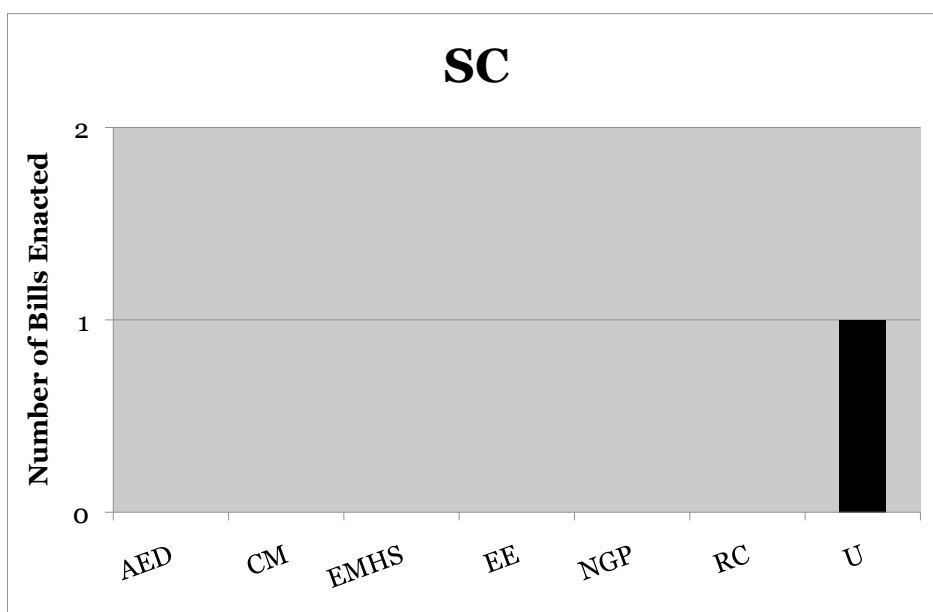
The Puerto Rico Legislature did not pass any Environmental bills during the 2011 legislative session.



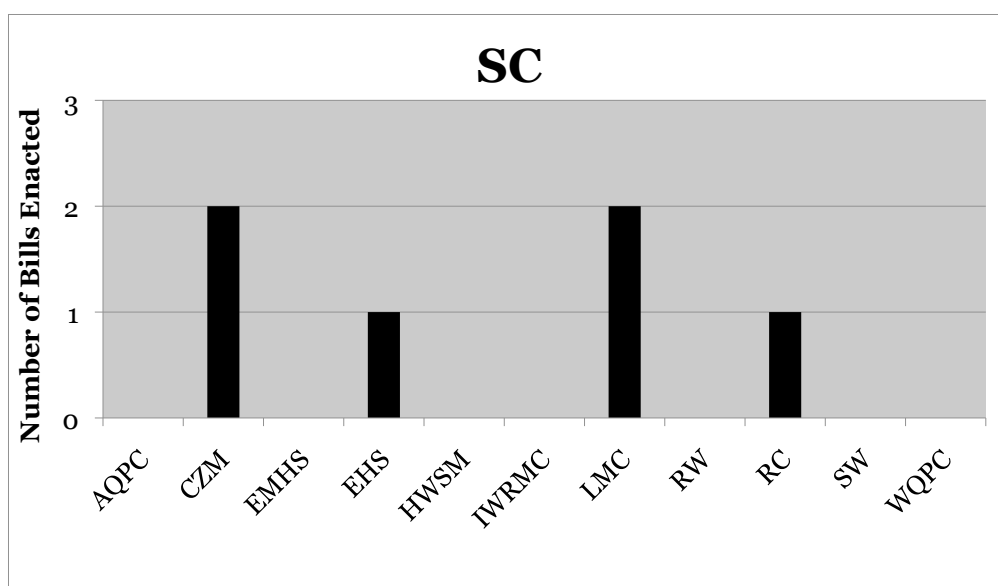
South Carolina

Legislation Category Comparison

Energy Legislation



Environmental Legislation





South Carolina

Energy Legislation

Utilities

SB 766: Omnibus Utility Bill

Sen. Glenn McConnell

Allows South Carolina electric cooperatives to promote energy efficiency and renewable energy initiatives. The bill deletes electric cooperative patronage allocations from the Uniform Unclaimed Property Act. The measure authorizes cooperatives to use unclaimed patronage capital, i.e. excess revenue collected from members, for energy efficiency and renewable energy initiatives. The bill also provides procedures for the allocation of patronage capital and policies and procedures regarding abandoned patronage capital.



South Carolina

Environmental Legislation

Coastal Zone Management

HB 3586: Coastal Construction Exemptions

Rep. Nelson Hardwick

Expands the exemptions to the prohibition on coastal construction by including in the exemptions associated amenity structures on fishing piers, such as baitshops, restrooms, restaurants and arcades. Additionally, the measure exempts these structures from permit requirements if the local governing body authorized the construction of the structure and defines what structures are not associated amenity structures.

HB 3587: Critical Area Use Permits

Rep. Tracy Edge

Modifies the critical area use permits issued by the South Carolina Department of Health and Environmental Control for uses involving coastal waters, tidelands, beaches and beach/dune systems. The bill defines “maintenance dredging,” and exempts certain dredging by municipalities and counties from state permit requirements, if the dredging is authorized by a U.S. Army Corps of Engineers permit. It stipulates that work authorized under a maintenance dredging permit must be completed in ten years rather than five years. Finally, the bill repeals all provisions authorizing dredging on July 1, 2026.

Environmental Health Services

SB 643: Prohibiting the Display of Dolphins and Whales

Sen. John Knotts

Prohibits the display of marine mammals to wild-caught or captive-breed dolphins or whales, narrowing the existing statutory restrictions and provides penalties.

Land Management and Conservation

HB 3276: Constitutional Amendment on Hunting and Fishing

Rep. W. Brian White

Ratifies a voter approved constitutional amendment stating the following:

“The traditions of hunting and fishing are valuable parts of the state's heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property



rights, existing state laws or regulations, or the state's sovereignty over its natural resources."

HB 3374: Enacting the Interstate Wildlife Violator Compact

Rep. William Hixon

Enacts the "Interstate Wildlife Violator Compact" and allows out of state violators to post collateral, furnish a bond, stand trial, or pay the fine, and thus avoid the inconvenience of being placed in custody.

The Compact makes it the policy of the party states to:

- Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states;
- Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a party state and treat this suspension as if it had occurred in their state;
- Allow violators to accept a wildlife citation, except as provided in subsection (B) of Article III, and proceed on the violator's way without delay whether or not the person is a resident in the state in which the citation was issued, provided that the violator's home state is party to this compact;
- Report to the appropriate party state, as provided in the compact manual, any conviction recorded against a person whose home state was not the issuing state;
- Allow the home state to recognize and treat convictions recorded for their residents, which occurred in another party state as if they had occurred in the home state;
- Extend cooperation to its fullest extent among the party states for obtaining compliance with the terms of a wildlife citation issued in one party state to a resident of another party state;
- Maximize effective use of law enforcement personnel and information; and
- Assist court systems in the efficient disposition of wildlife violations.

Reorganization and Coordination

SB 420: Exemptions from Federal Environmental Regulations

Sen. Glenn McConnell

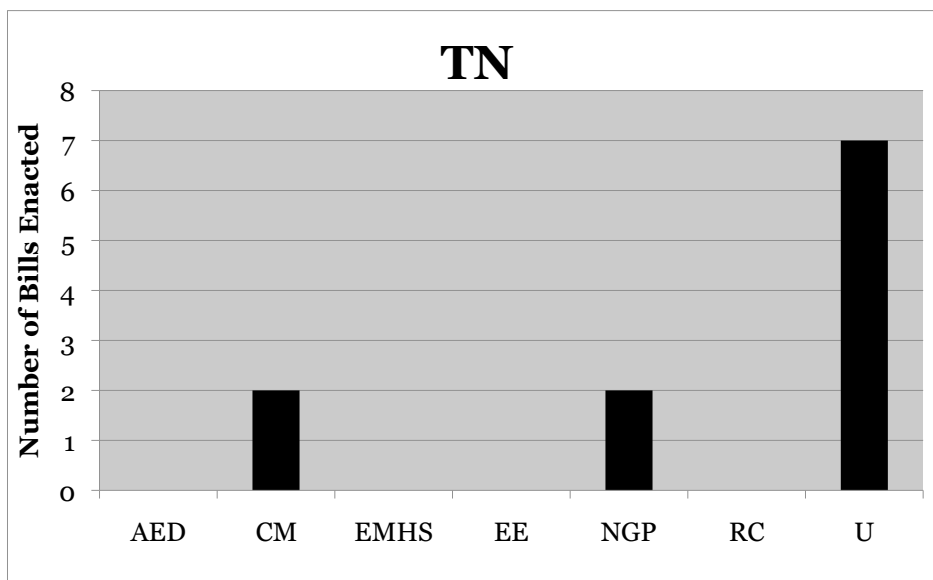
Provides regulatory exemption power to the South Carolina Department of Health and Environmental Control (DHEC). The legislation allows South Carolina to automatically revert back to the previous environmental regulatory standard if federal courts halt the implementation of a federal regulation.



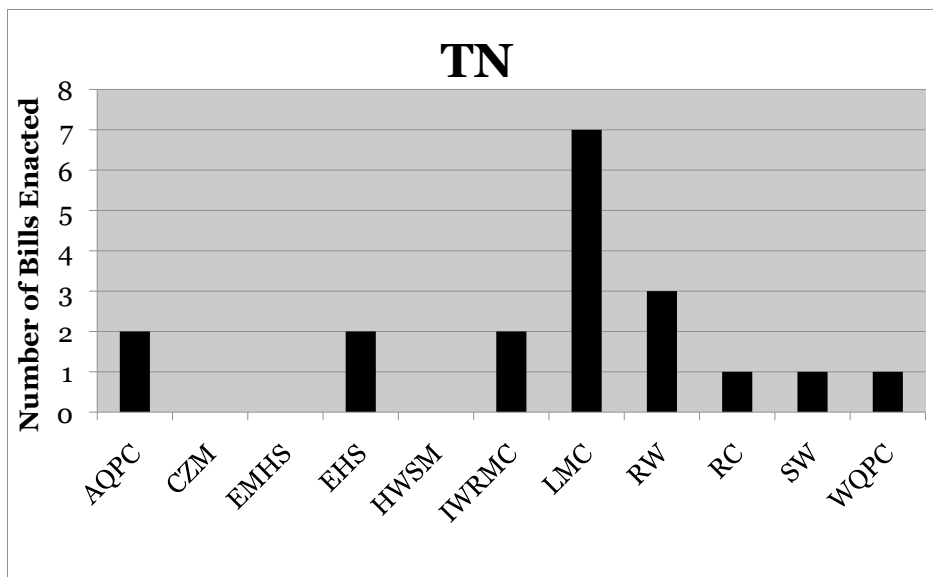
Tennessee

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Tennessee

Energy Legislation

Coal and Minerals

SB 753 / HB1316: Defines Quarrying for Zoning Purposes

Sen. Dolores Gresham and Rep. Phillip Johnson

Defines "quarrying" for purposes of county and municipal zoning as the extraction, removal and mechanized processing of any mineral, including clay, stone, gravel, phosphate rock, metallic ore, limestone, marble, chert, sand, dimension stone and any other solid mineral or substance of commercial value to prepare it for sale. This legislation does not apply to coal and deep metal mining.

SB1288/HB1473: Mining and Quarrying

Sen. Steve Southerland and Rep. David Hawk

Prohibits an operator from engaging in rock harvesting without having first obtained a permit from the Commissioner of Environment and Conservation. "Operator" means any person engaged in rock harvesting who disturbs or intends to disturb one acre or more of land. Any operator who has obtained a permit and otherwise complied with this bill may subcontract any part or all of the rock harvesting area covered by the permit, if such subcontractors meet all the qualifications and requirements set forth in the bill.

Natural Gas and Petroleum

HB 628: Oil and Gas Board Continuation

Rep. Jim Cobb

Extends the Oil and Gas Board until June 30, 2016 while revising the appointment process of membership to the Board.

HR 98: Hydrological Fracturing

Rep. Jeanne Richardson

Urges the Department of Environment and Conservation, the Tennessee Oil and Gas Association, the League of Women Voters and the Tennessee Conservation Voters to collaborate in proposing regulations to oversee use of hydrological fracturing as a method of modern natural gas extraction.

Utilities

SB 105/HB 949: Utilities for Seniors

Sen. Charlotte Burks and Rep. Ron Lollar

Changes the reporting deadline of the special joint committee to study the capping of utility rates for senior citizens from February 1, 2011, to June 1, 2011.

**SB 247/ HB 166: Tennessee Regulatory Authority Regulation Exemptions**

Sen. Jack Johnson and Rep. Michael Sargent

Clarifies the exemption from the Tennessee Regulatory Authority (TRA) regulation that applies to any cooperative organization not organized or doing business for profit, cooperative association not organized or doing business for profit, or cooperative corporation not organized or doing business for profit. The bill also exempts any 501(c)(4) corporation that owns or operates a wastewater system primarily for the use of the members of the corporation and that has received a written statement of exemption from regulation as a public utility from TRA prior to January 1, 2009 from public utility regulation by TRA.

SB 1500/HB 1681: High Voltage Wires

Sen. Steve Southerland and Rep. Jimmie Matlock

Specifies that the allowable minimum clearance distance required to be maintained from high-voltage lines is "10 feet," instead of "six feet," or the distance required by an applicable standard of the Tennessee Occupational Health Administration, except where the high-voltage lines have been effectively guarded against danger from accidental contact, by either complying with the above explanations or by insulating the lines.

SB 845/ HB 1142: Utilities

Sen. Charlotte Burks and Rep. Carmen Sexton

Adds that if a utility district has been incorporated and the utility district fails to provide the services it proposed to provide when the utility district was created, the municipality or county in which the utility district is located, may file a petition with the Utility Management Review Board, requesting the Board to issue an order dissolving the utility district in favor of the municipality or county filing the petition. After holding a hearing and providing an opportunity for the utility district to be heard, the Board will issue such order if it finds upon a preponderance of the evidence that the utility district is not in compliance.

SB 1811/HB91: Utility Boards Reimbursement

Sen. Jack Johnson and Rep. Jon Lundber

Increases the maximum amount that municipalities are authorized to provide to members of a board of public utilities as an allowance for attending meetings from \$200 per month to \$300 per month. It also increases the maximum supplemental allowance that board members may receive for attendance at the meeting and for each additional waterworks, sewerage works, or gas system over which the board has jurisdiction from \$25.00 to \$50.00, and the maximum total supplemental allowances from \$100 to \$150.

SB741/HB 876: Water Utility Districts

Sen. Ken Yager and Rep. Ryan Haynes

Revises various provisions regarding utility districts, water systems and wastewater systems including provisions governing a required bond and annual audit. The measure revises the law regarding the filling of vacancies on the board of commissioners of a utility district and the filling of vacancies in the office of a utility district commissioner and remove certain exceptions to various requirements regarding utility districts.

**SB 542/HB 1244: Water Companies**

Sen. Randy McNally and Rep. Jimmy Matlock

Adds persons having not-for-profit status who own and operate water companies to the list of persons and entities who are exempt from the gross receipts tax on gas, water and electricity. Prior to this legislation, the law required each person engaged in the business of furnishing or distributing gas, water or electric current to pay a privilege tax equal to three percent of the gross receipts derived from intrastate business in the state. The tax does not apply to cities or other political subdivisions of the state owning and operating gas companies, water companies or power plants, to persons meeting the criteria of exempt wholesale generators or FERC certified wholesale power marketers under the Federal Power Act of 1992 or to any governmental agency of the United States.



Tennessee

Environmental Legislation

Air Quality and Pollution Control

SB 175/HB 240: Air Pollution Control Board Continuation

Sen. Bo Watson and Rep. Jim Cobb

Extends the Air Pollution Control Board to June 30, 2011.

SB 1295/HB688: Car Emissions

Sen. Jack Johnson and Rep. Jim Gotto

Specifies that motor vehicles registered as an antique motor vehicle are exempt from all motor vehicle inspection requirements including emissions testing.

Environmental Health Services

SB 1210/HB 1240: Pesticide Applicators

Sen. Joe Haynes and Rep. Ken Yager

Revises the definition of pesticide applicator to mean any application or sale of a pesticide by a competent person acting under the instructions and control of a private applicator, commercial applicator or commercial pest control operator who is available if and when needed. The new definition now requires the applicator or operator to be "physically present or in direct communication by conventional means of communication" rather than "physically present within a 120 mile radius at the time and place the pesticide is applied, sold or bought," as stated under the prior definition.

SJR 30: Recycling

Sen. Bill Ketron

Directs planning concerning composting food and paper, and recycling construction waste.

Inland Water Resource Management and Conservation

HR 60: Fish Hatchery Operations

Rep. David Hawk

Expresses opposition to the reduction of funding for the National Fish Hatchery Operations that would result in closing of the Erwin National Fish Hatchery and encourages Tennessee's Congressional delegation to support federal funding for the National Fish Hatchery Operations-Mitigation in the 2012 fiscal year budget.



SB 186/ HB 668: West Fork Drakes Creek Dam and Reservoir Interstate Authority Continuation

Sen. Bo Watson and Rep. Jim Cobb

Extends the West Fork Drakes Creek Dam and Reservoir Interstate Authority until June 30, 2013.

Land Management and Conservation

SB836/HB799: Hunting Deer with Lights

Sen. Mike Bell and Rep. Vance Dennis

Specifies that persons directing such light onto property not owned by such person or one of the persons involved, or such person or group of persons must have written permission from the landowner to willfully throw or cast or cause to be thrown or cast, the rays of a spotlight, headlight or other artificial light onto the property of the landowner. Such written permission must be in immediate possession at all times and the individual must display the permission upon demand of law enforcement. This bill also restricts the use of a light cast from any highway.

SB 307/HB 947: Wild Hog Hunting

Sen. Steve Southerland and Rep. John Windle

Excludes wild hogs from the definition of "big game" and removes permitting requirements for hunting wild boars and wild hogs.

SB763/HB1024: Wildlife Resources Agency

Sen. Jamie Woodson and Rep. David Hawk

Authorizes the wildlife resources agency to enter into partnership agreements with nonprofit organizations for the purpose of promoting and supporting the goals and objectives of the agency including, but not limited to marketing opportunities. The nonprofit partners must have their boards of directors elected by a process approved by the governor or the governor's designee. The nonprofit partners must also be properly incorporated under the laws of this state, and approved by the Internal Revenue Service as tax-exempt 501(c)(3) organizations.

SB 1140/HB 903: Fish and Wildlife

Sen. Jim Summerville and Rep. Frank Niceley

Creates the commercial fishing advisory committee. This bill requires the Tennessee Wildlife and Refuge Agency (TWRA) to request approval from the Convention for the International Trade of Endangered Species (CITES) to establish a length limit of at least 36 inches and an annual season length, no shorter than November 15 to April 15. It also requires TWRA to develop a plan to study sustainability, population conditions and juvenile survival rates on waters not currently open to commercial roe fishing.

SB 1192/HB1499: Tennessee Wildlife and Refuge Agency

Sen. Ken Yager and Rep. Julia Hurley

Specifies that the county executive of Roane County may designate a person from the Office of the County Sheriff or from the County Office of Emergency Management, to



accompany an agent of the TWRA when inspecting a Class I wildlife facility in Roane County.

SB 1963/ HB 1671: Honey Bee Hives

Sen. Eric Stewart and Rep. Judd Matheny

Provides that no county, municipality, consolidated government or other political subdivision of this state may adopt or continue in effect any ordinance or resolution prohibiting the establishment or maintenance of honeybees in hives, provided that the establishment or maintenance of a hive is in compliance with the Tennessee Apiary Act of 1995.

SB2089/HB2127: Tennessee Technology Corridor Development Authority

Sen. Randy McNally and Rep. Ryan Haynes

Authorizes county mayors to nominate persons for membership on the Board of Commissioners of the Tennessee Technology Corridor Development Authority and authorizes the Board to review the environmental and developmental impact of medium and high density residential developments upon local approval.

Radioactive Waste

HB 627/SB217: Southeast Interstate Low-level Radioactive Waste Compact Continuation

Sen. Bo Watson and Rep. Jim Cobb

Extends the Southeast Interstate Low-Level Radioactive Waste Compact to June 30, 2016.

SB187/HB 623: Extension of Water and Wastewater Operations Board

Sen. Watson and Rep. Jim Cobb

Extends the Water and Wastewater Operators Board of Certification to June 30, 2016.

SR 26: Radioactive Facilities

Sen. Ken Yager

Expresses the support of the Senate for federal funding for the user facility program at Holifield Radioactive Ion Facility at the Oak Ridge National Laboratory. User facilities are research laboratories designed to serve laboratory researchers, engineers, and technical staff, as well as external researchers from universities, industries, foreign institutions and other government laboratories through an application for use.

Reorganization and Coordination

SB1837/ HB 584: Watershed Development Authority

Sen. Roy Herron and Rep. Steve McDaniel

Authorizes the Board of Directors of the Beech River Watershed Development Authority by majority vote to create the position of Board Member Emeritus. The position of Board Member Emeritus will be non-voting and in an advisory capacity, but will



otherwise be considered a Board Member for purposes of notice of meetings, Board discussion and planning. The Board Member Emeritus will be eligible for reimbursement for travel expenses. The qualifications for the position of Board Member Emeritus will be based on prior service.

Solid Waste

SB 1391/HB1612: Solid Waste Disposal

Sen. Lowe Finney and Rep. Johnny Shaw

Requires any proposed landfill owner to provide notice to persons owning property within a three-mile radius of the landfill at least 15 days in advance of any public hearing regarding applications for the construction by having signs erected on all roads leading directly to the proposed landfill site.

Water Quality and Pollution Control

SB 1055/HB 976: Water Fluoridation

Sen. Tim Barnes and Rep. Bob Ramsey

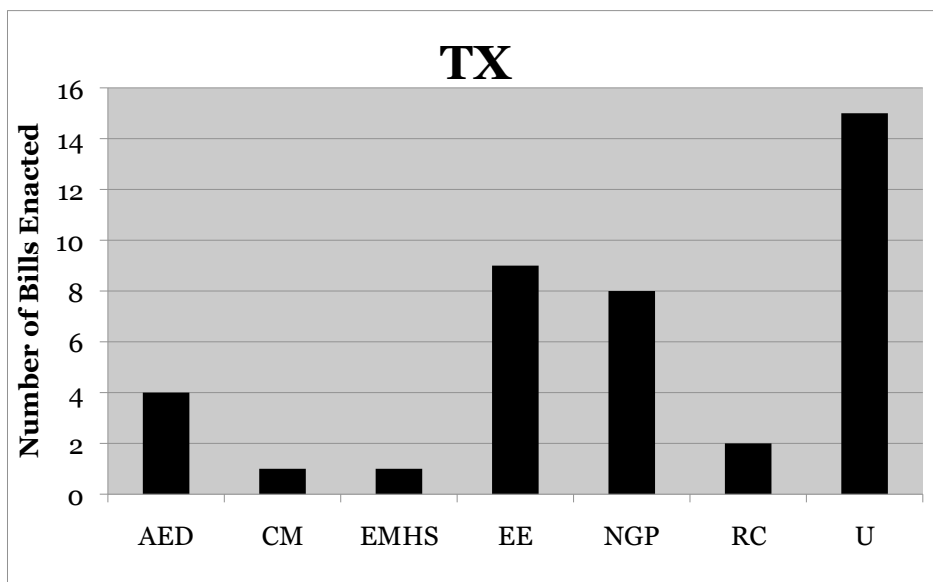
Requires any public water system or waterworks system that initiates or permanently discontinues the fluoridation of its water supply to give notice of such discontinuance to the Departments of Health and Environment and Conservation within 10 days of its decision, and public notice to customers in the next general mailing, which must be 30 days prior to discontinuance.



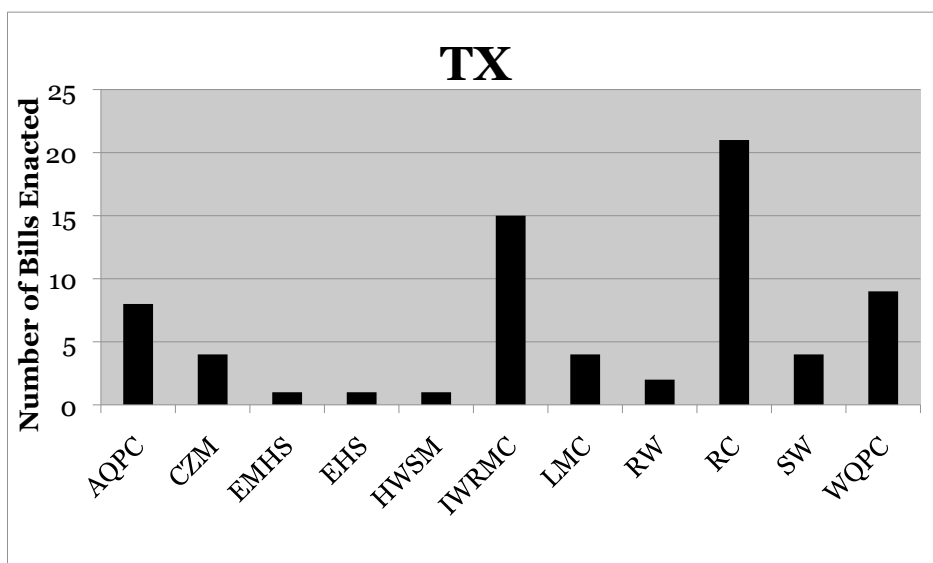
Texas

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Texas

Energy Legislation

Alternative Energy Development

HB 362: Installation of Solar Energy Devices and Roofing Materials

Rep. Burt Solomons

Amends the Property Code to prohibit a property owners association from including or enforcing a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device, with certain exceptions, and makes void a provision violating this prohibition.

HB 3272: Low-Income Vehicle Repair Assistance, Retrofit and Accelerated Vehicle Retirement Program

Rep. Lon Burnam

Encourages the purchase of cleaner vehicles by expanding the list of vehicles available for replacement and removing a hurdle that disqualifies an eligible vehicle with a small gap in registration history.

SB 943: Electric Energy Storage Equipment or Facilities

Sen. John Carona

Seeks to make changes to provisions relating to the classification, use, and regulation of electric energy storage equipment or facilities. Establishes a plan for amending the Utilities Code to establish that electric energy storage equipment or facilities that are intended to be used to sell energy or ancillary services at wholesale are generation assets. The owner or operator of such electric energy storage equipment or facilities must be a power generation company.

SB 981: Distributed Renewable Generation of Electricity

Sen. John Carona

Amends the Utilities Code to prohibit the Public Utility Commission of Texas (PUC), if at the time distributed renewable generation is installed on a retail electric customer's side of the meter that the estimated annual amount of electric energy to be produced by the distributed renewable generation is less than or equal to the customer's estimated annual electric energy consumption; from considering the distributed renewable generation owner to be an electric utility, a power generation company, or a retail electric provider; or from requiring the distributed renewable generation owner to register with or to be certified by the PUC.

Coal and Minerals

SB 1295: Mining and Reclamation Land

Sen. Glenn Hegar

Relates to the mining and reclamation of certain land previously affected by surface coal mining operations. The bill include reclamation success performance standards for



mining or previously mined areas and also allows issuance of a permit for mining operations on land if any outstanding violation resulted from an unanticipated event or condition.

Emergency Management and Homeland Security

HB 2619: Emergency Preparedness Information About Water Facilities

Rep. Bill Callegari

Removes the requirement that affected utilities provide the required information to a county judge. In the alternative, and as prescribed by C.S.H.B. 2619, affected utilities shall submit required emergency preparedness reports and other information to their applicable retail electric or transmission and distribution service providers. This change removes the county judge from the role of receiving and distributing emergency preparedness information from affected utilities, and require that those utilities provide the information directly to their electric service providers.

Energy Efficiency

HB 51: Energy Efficiency Standards for Certain Buildings

Rep. Eddie Lucio III

Amends the Government Code to require a state building to be designed and constructed or renovated so that the building achieves certification under a high-performance building standard approved by the Texas Facilities Commission (TFC) that meets certain specified criteria. The bill makes its provisions relating to a high-performance building standard applicable to the construction of a state building, or the renovation of a state building when the cost of which is more than 50 percent of the value of the building. Also, the bill requires an institution of higher education facility to be designed and constructed or renovated to comply with the applicable energy and water conservation design standards established by the State Energy Conservation Office (SECO).

HB 1728: Energy Savings Performance Contracts and Energy Efficiency Planning

Rep. Jim Keffer

Amends the Education Code, in provisions of law relating to energy savings performance contracts in public education facilities and higher education facilities, to authorize the board of trustees of a public school district or the governing board of an institution of higher education to use any available money, other than money borrowed from the state, to pay the provider of the energy or water conservation measures under the contract. The legislation also specifies that the board of trustees or governing board is not required to pay for the energy or water conservation measures solely out of the savings realized by the school district or institution of higher education under an energy savings performance contract. The bill redefines "energy savings performance contract."

**HB 2077: The LoanSTAR Revolving Loan Program**

Rep. Eddie Rodriguez

Amends the Government Code to establish legislative findings relating to a pilot program to provide loans to community-based organizations and houses of worship for purposes of financing the implementation of energy efficiency measures and renewable energy technology in the buildings owned and operated by those organizations.

SB 898: Energy Efficiency Programs in Institutions of Higher Education and Certain Governmental Entities

Sen. John Carona

Requires each political subdivision, institution of higher education, and state agency to set a goal of reducing the entity's electric consumption by at least five percent each state fiscal year for each of the 10 state fiscal years beginning September 1, 2011; standardizing an entity's annual reporting to SECO; and providing for a calculation of the amount of energy savings and pollution reduction achieved through implementation of certain programs.

SB 924: Duties of Certain Utilities Regarding Energy Efficiency Reports and Emergency Notification Systems

Sen. John Carona

Seeks to require the utilities and electric cooperatives to submit annual reports regarding energy savings and demand. In addition, the bill seeks to require the Energy Systems Laboratory at the Texas Engineering Experiment Station of the Texas A&M University System to analyze the data provided in the reports and share that analysis with specified state and federal entities.

SB 1125: Energy Efficiency Goals and Programs

Sen. John Carona

Seeks to change the energy efficiency goal metric from annual growth in demand to peak demand by a utility transition. It also allows residential and commercial class participation in demand response programs while maintaining reliability standards and provides for utility interaction with customers for educational and incentive purposes.

SB 1150: Certain Non-ERCOT Utilities to Comply with Energy Efficiency Goals

Sen. Kel Seliger

Amends the Utilities Code to make provisions of law relating to the state's goal for energy efficiency applicable to certain investor-owned electric utilities operating solely outside of the Electric Reliability Council of Texas to ensure that provisions relating to electric utility energy efficiency goals, programs, and cost recovery apply equally to all electric utilities. The bill removes expired provisions and makes non-substantive changes.

SB 1434: Certain Low-Income Weatherization Programs

Sen. John Carona

Seeks to establish provisions relating to certain low-income weatherization programs in order to update the funding mechanism to more accurately reflect current needs. Parties contend that as the overall budget of energy efficiency programs managed by electric



utilities continues to increase, the percentage of money spent on targeted low-income energy efficiency programs continues to decrease because of an outdated and obsolete funding mechanism.

HCR 49: Austin Energy Green Building

Rep. Eddie Rodriguez

Commemorating the 20th anniversary of Austin Energy Green Building, which encourages Central Texans to design and construct sustainable homes and buildings that are economical, efficient, healthy, safe, and beneficial for the community and the planet.

Natural Gas and Petroleum

HB 2289: Authority of a Gas Corporation to Lay Pipeline

Rep. Myra Crownover

Amends the Utilities Code with a provision authorizing a gas corporation to lay and maintain a gas pipeline in certain areas. Also, it specifies that the gas corporation may lay and maintain a pipeline over, under, and across, but not along, a railroad or a railroad right-of-way.

HB 3134: Plugging of Inactive Oil and Gas Wells

Rep. Myra Crownover

Provides that before the Railroad Commission issues an order refusing to renew an operator's organization report regarding the plugging of an inactive well, an authorized Railroad Commission employee or a person designated by the Commission for that purpose is required to determine whether the operator has failed to comply with requirements related to inactive wells.

HB 3328: Disclosure of Hydraulic Fracturing Fluids

Rep. Jim Keffer

Requires disclosure of certain matters related to hydraulic fracturing (fracking) projects, including the composition of hydraulic fracturing fluids.

HB 3389: Disclosure of Propane Gas on Residential Real Property

Rep. Paul Workman

Amends the Property Code to require the form for the disclosure notice that the seller of residential real property consisting of a single dwelling unit must provide to the buyer to include on the checklist of items that come with the property separate listings that allow the seller to distinguish whether the property is fueled by natural gas lines or liquid propane gas and, if the property is fueled by liquid propane gas, whether the liquid propane gas source is community-based and captive or located on the property.

SB 20: Grant Programs for Natural Gas Motor Vehicles and Alternative Fuel Facilities

Sen. Tommy Williams

Seeks to encourage companies with on-road heavy-duty vehicles to either replace the



vehicles with natural gas vehicles or re-power the vehicles with natural gas engines by creating a natural gas vehicle grant program administered by the Texas Commission on Environmental Quality. The bill also provides grants for the construction of natural gas fueling facilities along the interstate highways connecting Houston, San Antonio, Dallas, and Fort Worth.

SB 312: Exemption of Certain Electric Cooperatives from Regulations

Sen. Kel Seliger

Seeks to address the issue of electric cooperative contracts with third parties to provide gas in storage being classified as a gas utility by allowing electric cooperatives to operate underground gas storage facilities and offer short-term gas storage services to other parties. These facilities would remain subject to the Railroad Commission regulation, permitting, safety, testing, monitoring, and reporting requirements for underground gas storage facilities, but would not impair the current permitting, safety, and operational requirements or change or obviate current reporting requirements.

SB 365: Distributed Generation of Electric Power

Sen. Steve Ogden

Seeks to address underutilized, stranded and wasted natural gas and to increase the production of electricity in Texas by opening the electric market for small power generators. This bill allows small generators of electricity to connect to the grid and sell their power.

SB 1505: Property Tax

Sen. Carlos Uresti

Changes the current method for appraising a real property interest in oil or gas that to take into account the future income from the sale of oil or gas.

Reorganization and Coordination

SB 1153: Public Utility Commission to Participate in Proceedings Before the Federal Energy Regulatory Commission

Sen. Tommy Williams

In the event the several operating companies coordinated efforts with each other with regard to certain proceedings before the Federal Energy Regulatory Commission (FERC) break down, the Public Utility Commission of Texas (PUC) should represent Texas electric utility interests in such proceedings. This legislation addresses these issues by establishing the authority of the PUC to hire outside counsel, consultants, and experts with FERC expertise to represent the PUC in certain proceedings before FERC, among other provisions.

SB 1230: Heating and Power Facilities

Sen. Craig Estes

Allows a municipality of a certain size to sell an energy commodity from a system or plant, including electricity, chilled water, steam or gas.



Utilities

HB 971: Electric Transmission Facilities

Rep. Phil King

Amends the Utilities Code to prohibit the Public Utility Commission of Texas (PUC) from requiring an electric utility or other person to designate a preferred route for a proposed transmission line facility when applying for an original or amended certificate of convenience and necessity as a prerequisite for providing electric utility service to the public.

HB 1064: Exempting Customers from Demand Charges by Transmission and Distribution Utilities

Rep. Jim Pitts

Implements a tiered pricing structure for a nonresidential secondary service customer by requiring the Public Utility Commission of Texas (PUC) to adopt a rule requiring transmission and distribution utilities to waive the application of demand ratchets for a customer with a maximum load factor equal to or below a factor specified by the PUC. The bill exempts such a customer from being billed on a ratcheted demand and instead allows the customer to be billed according to actual demand and utility usage.

HB 1753: Threshold Required Reporting Amounts for Public Utilities

Rep. Pete Gallego

Proposes to increase the threshold amount for reporting a sale from the original \$100,000 to \$10 million, thereby reducing administrative costs that are passed on to ratepayers, modernizing the state's administrative filings, and aligning reporting in Texas with federal standards, which is especially important for utilities that are under the jurisdiction of the Federal Energy Regulatory Commission. Public utilities will continue to report major transactions that exceed \$10 million.

HB 1814: Provisions of Water and Equipment by Water Supply or Sewer Service Corporations

Rep. Eddie Lucio III

Seeks to encourage cooperation between water supply corporations and fire departments and enable such corporations to assist fire departments without the fear of being sued by authorizing a water supply corporation to provide a water supply to a governmental entity or volunteer fire department for use in fire suppression and by expanding certain liability protections.

HB 2133: The Public Utility Commission of Texas' Authority to Disgorge Revenue Obtained from Violations

Rep. Burt Solomons

Amends the Utilities Code to require the Public Utility Commission of Texas (PUC), in addition to assessing an administrative penalty, to order disgorgement of all excess revenue resulting from a violation of provisions of law relating to PUC authority to address market power. The bill authorizes the PUC, in addition to assessing an administrative penalty, to order disgorgement of all excess revenue resulting from any other violation of the statutes, rules, or protocols relating to wholesale electric markets.



HB 2207: Payment Assistance Program and the Authority of the Board of Trustees to Set Rates for Municipal Utility Systems

Rep. Rene Oliveira

Amends the Local Government Code to expand the applicability of provisions of law relating to the management of certain encumbered municipal water systems to a home-rule municipality that owns or may own a water, wastewater, storm water, or drainage utility system and by ordinance elects to have the management and control of two or more such utility systems governed by those provisions of law, to make those provisions applicable to such a municipality that by charter elects to have management and control of two or more of those systems, in addition to meeting the other requirements. The legislation additionally authorizes a municipality by ordinance to transfer management and control of two or more of those utility systems to a board of trustees and authorizes the ordinance to grant the board authority to set rates and related terms for the systems.

HB 3090: Frequency of Water Audits by Retail Public Utilities

Rep. Brandon Creighton

Amends the Water Code to require a retail public utility providing potable water that serves a population of more than 10,000 or that receives any form of financial assistance from the Texas Water Development Board (TWDB) to perform and file with the TWDB an annual water audit computing the utility's system water loss during the preceding year and makes conforming changes.

SB 403: Consideration of a Pension and Other Postemployment Benefits

Sen. Kevin Eltife

Seeks to help gas utilities to better manage the challenges of volatile and escalating pension and retiree health care expenses by allowing a gas utility to establish one or more reserve accounts for expenses related to pension and other post-employment benefits and by requiring a utility that establishes one or more reserves to record and review any difference between the annual amount of pension and other post-employment benefits approved and included in the utility's then current rates.

SB 569: Rates Charged for Potable Water or Wastewater Service to Recreational Vehicle Parks

Sen. Mike Jackson

Requires water districts under Section 49 (Provisions Applicable to all Districts), Water Code, to use the same basis for determining water and wastewater rates for campgrounds and RV parks as they use for commercial entities served by the district. This bill sets forth language to define an RV as a commercial entity and require a water district that provides non-sub metered master meter utility service to an RV park to determine rates for that service to an RV park on the same basis as the district would determine rates for a commercial entity.

SB 855: Certificates of Convenience and Necessity

Sen. Robert Duncan

Amends the Utilities Code to authorize the Office of Public Utility Counsel to advise persons who are interested parties, for purposes of notice and hearing with regard to an application for a Certificate of Convenience and Necessity, on procedural matters



related to proceedings before the Public Utility Commission of Texas (PUC). The bill requires the PUC to give notice of such application to the Office of Public Utility Counsel in addition to interested parties.

SB 875: Compliance as a Defense to Actions for Nuisance or Trespass

Sen. Troy Fraser

Seeks to address matters relating to compliance with state and federal environmental permits as a defense to certain actions for nuisance or trespass. Many Texas businesses are concerned that enforcement actions citing nuisance and trespass claims arising from greenhouse gas emissions in cases where an environmental permit holder is in general compliance with the requirements of the permit will have a severely detrimental impact on businesses.

SB 937: Restoration Following an Extended Power Outage

Sen. Eddie Lucio Jr.

Amends the Utilities Code to require the Public Utility Commission of Texas (PUC) by rule to require an electric utility to give to a nursing facility, an assisted living facility, and a facility that provides hospice services the same priority that it gives to a hospital in the utility's emergency operations plan for restoring power after an extended power outage.

SB 1133: Electric Generators to Respond to Abnormal Weather Conditions

Sen. Glenn Hegar

Seeks to prevent such difficulties in the future by requiring the Public Utility Commission of Texas to prepare a weather emergency preparedness report on the ability of the state's electric generators to respond to abnormal weather conditions. This bill addresses recent operating difficulties being reported by several electric generators after abnormal weather conditions that were expected to furnish power during those periods.

SB 1693: Periodic Rate Adjustments by Electric Utilities

Sen. John Carona

Authorizes municipalities and the PUC to approve a requested tariff or rate schedule that provides for periodic adjustment of nonfuel rates under certain conditions. Due to the concern that current law does not adequately address the authority of a municipality or of the Public Utility Commission of Texas (PUC) to approve an electric utility tariff or rate schedule that periodically adjusts a non-fuel rate outside of a general rate case. An express grant of authority could encourage original jurisdiction municipalities and the PUC to modernize and bring efficiencies to their electric utility rate regulation processes through the use of periodic rate adjustments.

SB 1919: Election from Single-Member Districts

Sen. Jose Rodriguez

Provides statutory postponement of the introduction of retail electric competition in the Western Electricity Coordinating Council service area. In addition, the legislation provides this electric utility with the necessary certainty to make long-term commitments and assure cost-of-service rates for electric consumers in the utility's service territory until retail electric competition is introduced in the area. The



provisions address the interconnection and reliability of the utility's system as well as metering and purchase of generation by certain distributed generation facilities.



Texas

Environmental Legislation

Air Quality and Pollution Control

HB 1906: Idling of Motor Vehicles

Rep. Donna Howard

Seeks to establish a reasonable penalty for locally enforced heavy-duty vehicle idling violations in unincorporated areas to foster more efficient enforcement, thereby reducing ozone-forming emissions, improving air quality, and benefiting the citizens of Texas.

HB 1981: Measuring, Monitoring, and Reporting Emissions

Rep. Wayne Smith

Establishes statutory guidelines and requirements for the Texas Commission on Environmental Quality (TCEQ) in certain matters relating to measuring, monitoring, and reporting emissions to maintain air quality.

HB 3268: Permits for Air Contaminant Emissions of Stationary Natural Gas Engines

Rep. Lanham Lyne

Amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to issue a standard permit or permit by rule for stationary natural gas engines used in a combined heating and power system that establishes emission limits for air contaminants released by the engines and to make its provisions applicable to only such a stationary natural gas engine.

HB 3399: Requirements for Grant Programs Funded by the Texas Emissions Reduction Plan

Rep. Ken Legler

Seeks to address the concerns that the Texas based fleets using grant programs funded by the Texas Emissions Reduction Plan would result in lower-cost emissions reductions because of increased competition by amending provisions relating to the requirements for grant programs funded through the Texas Emissions Reduction Plan.

SB 385: Programs Supporting Alternative Fuels

Sen. Tommy Williams

Seeks to create an alternative fuel program to be funded by the Texas Emissions Reduction Plan Fund. The bill proposes to provide a reimbursement of up to \$500,000 per facility funded through the Texas Emissions Reduction Plan Fund not to exceed two percent of the fund.



SB 493: Idling of Commercial Vehicles

Sen. Troy Fraser

Amends current law by allowing the "clean idle" engines to idle as an exception to the rules relating to the idling of motor vehicles. Federal law requires commercial truck drivers to take periodic rest breaks. In Texas, it is impossible for a driver to get needed rest without air conditioning or heat. Trucks not equipped with auxiliary power units (APU) must idle in order to run these environmental systems. Great strides are being made by the heavy-duty truck engine manufacturers to build cleaner engines. Some states and the United States Environmental Protection Agency are recognizing these efforts and are certifying some engines as "clean idle" engines.

SB 527: Projects Funded through the Texas Emissions Reduction Plan

Sen. Troy Fraser

Establishes a network for the Dallas-Fort Worth area by revising the allocation of the Texas Emissions Reduction Plan. The city of Houston has established a network to monitor the overall air quality in the Houston-Galveston-Brazoria area that measures regulated pollutants and provides data to the general public, industry, local governments, and the state.

SB 1134: Permits for Facilities Regulated by the Texas Commission on Environmental Quality

Sen. Glenn Hegar

Addresses the issue of monitoring data not typically being readily available to TCEQ to use when it is developing permits by rule or standard permits for types of facilities in other industries. This situation makes it unclear whether TCEQ's current process would have allowed TCEQ to use the real-world, air quality monitoring data when it was developing the new permit by rule and standard permit for facilities at oil and gas production sites such as the Barnett Shale area by making changes to TCEQ's permitting processes for oil and gas production facilities.

Coastal Zone Management

HB 844: Shoreline Property

Rep. Charlie Geren

Allows a municipality having a population of 825,000 or less and owning land within 5,000 feet of where the shoreline of a lake would be if the lake were filled to its storage capacity may without notice or the solicitation of bids sell the land to a person who is leasing the land for the fair market value of the land as determined by a certified appraiser.

HB 1322: Fishing

Rep. Connie Scott

Relates to the possession of fish in the tidal water of this state, stating that a person in a vessel on tidal water may not possess fish taken for sporting purposes unless the person holds a fishing license.

**SB 932: Oyster Shell Recovery and Replacement Program**

Sen. Tom Williams

Relates to oyster beds and shells, creating an Oyster Shell Recovery and Replacement Program.

SB 1104: Ship Channel Districts

Sen. Mike Jackson

The bill relates to the operation, powers, and duties of ship channel districts.

Emergency Management and Homeland Security

HB 805: Emergency Operations During an Extended Power Outage

Rep. Bill Callegari

Amends current law relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

Environmental Health Services

SB 1043: Discarding of Certain Burning Materials

Sen. Kirk Watson

Amends the Health and Safety Code by adding a new section which explicitly addresses the discarding of lighted materials. If a fire is ignited as a result of a discarded match, cigarette, or cigar, the misdemeanor offense is punishable by a fine not to exceed \$500, confinement in jail for no more than 30 days, or both a fine and confinement. The bill also provides an affirmative defense for controlled burning practices and requires operators of a public conveyance to post appropriate notice of the offense.

Hazardous Waste and Substance Management

HB 444: Permits for Certain Injection Wells

Rep. Brandon Creighton

Amends the Water Code to require the Executive Director of the Texas Commission on Environmental Quality (TCEQ) to submit a copy of an application for a permit for an injection well to dispose of industrial and municipal waste to the governing body of a groundwater conservation district if the application is received in proper form and the proposed location of the injection well is in the territory of the district.



Inland Water Resource Management and Conservation

HB 218: Glass Containers

Rep. Pete Gallego

Prohibits the possession of glass containers within the boundaries of state-owned riverbeds in a county that is located within 85 miles of an international border; and in which at least four rivers are located. A violation would be a Class C misdemeanor.

HB 2189: Handfishing

Rep. Gary Elkins

Allows a person holding the required fishing license and freshwater fishing stamp to engage in handfishing.

HB 2859: Terrell County Groundwater Conservation District

Rep. Pete Gallego

Creates of the Terrell County Groundwater Conservation District.

HB 3109: Exemptions

Rep. Tom Craddick

Relates to the rulemaking power of certain groundwater conservation districts and creates exemptions.

SB 313: Groundwater

Sen. Kel Seliger

Makes changes to procedures relating to the creation and expansion of priority groundwater management areas and groundwater conservation districts and the evaluation of critical groundwater problems by the Texas Commission on Environmental Quality and the Texas Water Development Board.

SB 332: Groundwater

Sen. Troy Fraser

Defines clearly that a landowner owns the groundwater below the surface of the landowner's land as real property, and amends current law relating to vested ownership interest in groundwater beneath the surface of land, the right to produce that groundwater, and the management of groundwater in this state.

SB 691: Exemption from Permitting

Sen. Craig Estes

Amends the Water Code to clarify that a groundwater conservation district may not require a permit for a well used for domestic use or for providing water to livestock and poultry, if the well is located on a tract of land larger than 10 acres and is incapable of producing more than 25,000 gallons of groundwater a day. S.B. 691 clarifies that all three factors must be met to be exempt from permitting.



SB 692: Permit Exemptions

Sen. Craig Estes

Creates exemptions of certain types of wells from groundwater conservation district permit requirements.

SB 727: Groundwater Conservation

Sen. Kel Seliger

Relates to groundwater conservation district management plans. Following a notice and hearing, the district, in coordination with surface water management entities on a regional basis, will develop a comprehensive management plan that addresses:

- Providing the most efficient use of groundwater;
- Controlling and preventing waste of groundwater;
- Controlling and preventing subsidence;
- Conjunctive surface water management issues;
- Natural resource issues;
- Drought conditions;
- Conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective; and
- In a quantitative manner the desired future conditions of the groundwater resources.

SB 737: Management of Groundwater Production

Sen. Glenn Hegar

Changes the definition of a Managed Available Groundwater (MAG) to include both exempt and non-exempt groundwater production and provides guidance to the districts in making permitting decisions under Section 36.1132. It requires the district to consider: the MAG, current and projected exempt use, amount of permitted groundwater, amount of groundwater actually being produced under permits, and annual precipitation and production patterns. Again, these considerations represent the many factors that should figure into a permitting decision by a district, as opposed to just one factor under current law — the MAG.

SB 1003: Rock Crushers or Concrete Plants without a Current Permit

Sen. Troy Fraser

Amends the Water Code to authorize the Texas Commission on Environmental Quality (TCEQ) to assess a penalty for operating a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing without a pre-construction permit required under the Texas Clean Air Act or for any other violation within the jurisdiction of TCEQ. The bill authorizes, rather than requires, TCEQ to issue an emergency order suspending operations of a facility that is operating without the permit.

**SB 1132: Allens Creek Reservoir**

Sen. Glenn Hegar

Relates to the water rights permits issued to the Texas Water Development Board for the Allens Creek Reservoir. The bill states that construction of the Allens Creek Reservoir will commence on or before September 1, 2025.

SB 1290: Calhoun County Groundwater Conservation District.

Sen. Glenn Hegar

Creates of the Calhoun County Groundwater Conservation District.

SB 1303: Additions and Corrections

Sen. Royce West

Among other things, the bill allots monies to the clean fleet program, exempts certain properties from drainage charges and modifies fees related to groundwater wells.

SB 1480: Exotic Aquatic Species

Sen. Glenn Hegar

Returns the regulation of exotic aquatic plants to a "black list" or "prohibited list" approach. In addition, the bill would adjust the penalties related to possession of an exotic aquatic plant downward to allow lesser penalties for minor violations by amending current law relating to the regulation of exotic aquatic species by the Parks and Wildlife Department and provides penalties.

Land Management and Conservation

HB 1788: Capturing Reptiles

Rep. Joe Farias

Establishes a reptile and amphibian hunting stamp. With the purchase of a hunting license and the new stamp, an individual is permitted to capture (without using a trap) indigenous reptiles or amphibians by non-lethal means, including capturing on a shoulder of a road or unpaved area of a public right-of-way, under certain conditions. An individual is prohibited from using an artificial light from a motor vehicle in capturing or attempting to capture a reptile or amphibian. The bill exempts persons performing activities related to operation and maintenance of pipelines or to oil or gas exploration or production or employees of certain utilities who capture and subsequently release reptiles or amphibians from hunting license and stamp requirements. The stamp fee is \$10 and valid for a state fiscal year resulting in an increased revenue of \$105,698 per fiscal year.

SB 1217: Duty to Inform a Notification Center before Excavation

Sen. Craig Estes

Seeks to discourage abuse of current excavation law and protect citizens from dangers that stem from that abuse by clarifying an excavator's duty to inform a notification center before excavating and providing a civil and criminal penalty for violations.



SB 1250: Restrictions on Concrete Crushing Facilities

Sen. Eddie Lucio Jr.

Amends the Health and Safety Code to make a provision prohibiting, under certain conditions, the operation of a concrete crushing facility within 440 yards of a building in use as a single or multifamily residence, school, or place of worship inapplicable to a concrete crushing facility that uses a concrete crusher in the manufacture of products that contain recycled materials and that is located in an enclosed building. These stipulations apply when a facility is located within 25 miles of an international border and in a municipality with a population of not less than 6,100 but not more than 20,000.

SB 1760: Notice of Water and Wastewater Requirements

Sen. Eddie Lucio Jr.

Seeks to address the issues of land buyers not being made aware of the platting and water and wastewater requirements set out by the rules, which, in certain circumstances, results in unintentional violations of the law in certain land-sale transactions, by establishing provisions relating to notice of water and wastewater requirements before certain sales of certain residential properties.

Radioactive Waste

SB 1504: Disposal or Storage of Waste at, or Adjacent to, the Texas Low-Level Radioactive Waste Disposal Compact Waste Disposal Facility

Sen. Kel Seliger

Seeks to provide legislative guidance regarding the disposal of nonparty compact low-level radioactive waste, or imported waste, at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility in Andrews County. This bill prohibits the importation of foreign waste, but allows for domestic imported waste providing that it does not exceed certain thresholds.

SB 1605: Texas Low-Level Radioactive Waste Disposal Compact Commission

Sen. Kel Seliger

Seeks to provide clarity and direction to the Texas Low-Level Radioactive Waste Disposal Compact Commission, established to carry out the duties of the Texas Low-Level Radioactive Waste Disposal Compact because there is concern that current law contains some ambiguity with regard to certain provisions relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.

Reorganization and Coordination

HB 571: Regulation of Aggregate Production Operations

Rep. Dan Huberty

Seeks to address the issue of aggregate production operations removing materials in remote locations without TCEQ's knowledge and without the proper authorizations designed to protect water and air quality by providing TCEQ with the ability to regulate certain aggregate production operations through registration and inspection.

**HB 610: Notices Sent by the Texas Commission on Environmental Quality**

Rep. John Zerwas

Amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to utilize electronic means of transmission for any notice issued or sent by TCEQ to a state senator or representative, unless the senator or representative has requested to receive notice by mail.

HB 630: Environmental Review Process for Transportation Projects

Rep. Joseph Pickett

Amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT), a county, a regional tollway authority, or a regional mobility authority to enter into an agreement to provide funds to a state or federal agency to expedite the agency's performance of its duties related to the environmental review process for its transportation projects.

SB 683: Gulf Coast Water Authority

Sen. Joan Huffman

Relates to the composition of the board of directors of the Gulf Coast Water Authority. Then bill adds two additional directors, one director from Fort Bend County and one director from Brazoria County.

HB 965: Continuing Education Requirements

Rep. Bill Callegari

Requires TCEQ to recognize, prepare, or administer continuing education programs made available through the Internet and to adopt rules to allow a water system licensed operator to certify at the time that the operator renews the operator's license that the operator has complied with the continuing education requirements.

HB 1732: Texas Water Development Board's Financial Assistance for Certain Projects

Rep. Allan Ritter

Codifies the practice by which the Board's debt is classified as either self-supporting or not self-supporting in compliance with constitutional debt limit provisions. The Texas Water Development Board's constitutional authority to issue debt is presumed to be self-supporting, and the Board does not issue debt that is not self-supporting unless the legislature appropriates general revenue expressly for this purpose.

HB 1808: State Soil and Water Conservation Board

Rep. Byron Cook

Relates to the continuation and functions of the State Soil and Water Conservation Board, specifically appointments of board members, complaints, a grant program and a supply enhancement program aimed at enhancing the supply of water in an area.

HB 2280: A Permanent Advisory Committee/Pollution Control Property Tax Exemption

Rep. Craig Eiland

Amends the Tax Code to require that at least one member of the permanent advisory committee established to advise the Texas Commission on Environmental Quality



(TCEQ) regarding the implementation of the property tax exemption for pollution control property be a representative of a school district or junior college district in which property is located that is or previously was subject to a property tax exemption for pollution control property.

HB 2360: Corn Hill Regional Water Authority

Rep. Charles Schwertner

Creates of the Corn Hill Regional Water Authority.

HB 2418: North Harris County Regional Water Authority

Rep. Bill Callegari

Relates to the territory, board of directors, and the powers of the North Harris County Regional Water Authority.

HB 2694: Abolishing the On-site Wastewater Treatment Research Council

Rep. Wayne Smith

Continues the Texas Commission on Environmental Quality for 12 years and contains several additional statutory modifications. Among other provisions, the bill brings more predictability and authority to the Commission's enforcement processes; restructures the process TCEQ uses to identify and assess regulated entities' performance; improves TCEQ's public assistance function; provides TCEQ additional tools to prevent and remediate groundwater contamination from leaking underground storage tanks and to effectively manage surface water; transfers the responsibility for making recommendations to protect groundwater for certain wells already under the jurisdiction of the Railroad Commission from TCEQ to the Railroad Commission; and provides for funding mechanisms to ensure TCEQ can meet its responsibilities.

HB 2770: Navigation Districts, Port Authorities and Municipalities

Rep. Wayne Smith

States the powers and duties of navigation districts, port authorities and certain municipalities.

HB 2826: A Certificate for a Municipal Setting Designation

Rep. Jim Murphy

Amends notice provisions in the Solid Waste Disposal Act under the Health and Safety Code to require an applicant for a municipal setting designation (MSD) in Houston to include a statement that an affected municipality or public utility had 120 days from the date of receipt of the notice to pass a resolution opposing the application for an MSD.

SB 181: Calculation and Reporting of Water Usage

Sen. Florence Shapiro

Addresses the problem of no consistent formula by which Gallons Per Capita Per Day (GPCD) is calculated, which can adversely impact a municipality's planning ability and conservation efforts. This legislation requires the Texas Water Development Board (TWDB), in consultation with the Texas Commission on Environmental Quality (TCEQ) and the Water Conservation Advisory Council (WCAC), to develop a standard formula for calculating and reporting municipal water use in GPCD. The bill establishes



minimum criteria to guide the formulation of a GPCD metric, and requires TWDB, TCEQ, and WCAC to develop a data collection and reporting program to assist municipalities and water utilities in using the GPCD formula.

SB 271: Bexar Metropolitan Water District

Sen. Carlos Uresti

Relates to the board of directors of the Bexar Metropolitan Water District, specifying the number of members, their terms, and other rules.

SB 341: Bexar Metropolitan Water District

Sen. Carlos Uresti

Authorizes the dissolution of the Bexar Metropolitan Water District.

SB 360: Rural Water Assistance Fund

Sen. Troy Fraser

Amends the Rural Water Assistance Fund to consolidate into one subchapter all the different types of funding options currently available to rural political subdivisions at the Texas Water Development Board.

SB 548: Environmental Review Process for Transportation Projects

Sen. Robert Nichols

Seeks to address the matter of the environmental review process for transportation projects slowing the delivery of needed projects, in an effort to minimize delays, increase efficiency, and encourage collaboration and cooperation among the agencies involved in the review process.

SB 656: Coastal Coordination Council

Sen. Joan Huffman

The bill is the Sunset legislation for the Coastal Coordination Council, which will be abolished on September 1, 2011, unless continued by the Legislature. The measure contains the following Sunset Commission recommendations: it abolishes the Council and assigns its functions to the General Land Office (GLO) and the Land Commissioner; it would require the Land Commissioner to establish a Coastal Coordination Advisory Committee and specify its membership; and it would the Land Commissioner to evaluate the Permitting Assistance Group's functions, membership, and usefulness.

SB 660: Texas Water Development Board

Sen. Juan Hinojosa

Relates to the review and functions of the Texas Water Development Board, including the functions of the Board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area. The bill does not address continuation of the Texas Water Development Board. The Board is not subject to abolishment under the Sunset Act. As a result of its review of the Board, the Sunset Advisory Commission recommended several statutory modifications that are contained in this legislation.



SB 1920: Coastal Water Authority

Sen. Mario Gallegos

The Coastal Water Authority (authority) was created by the legislature in 1967 as a conservation and reclamation district. One of its purposes is to provide surface water to regional municipalities and industries. This measure refines the authority's existing parks powers to ensure that it has the flexibility to undertake wetland and other environmental mitigation activities in connection with the construction of regional water projects and authorized authority activities in an effective and efficient manner while preserving the state's natural resources. This bill clarifies certain powers and limitations upon the authority and provides certain additional powers to the authority.

Solid Waste

HB 3395: Preferences for Recycled Products and the Efficient Operation of Telecommunications Entities

Rep. Bill Callegari

Amends the Government Code to authorize, rather than require, the comptroller of public accounts and state agencies to give preference to recycled, remanufactured, or environmentally sensitive products in state purchases if the product meets state specifications regarding quantity and quality.

SB 329: Television Equipment

Sen. Kirk Watson

Seeks to address the electronic waste issue by establishing the television equipment recycling program; requiring television manufacturers to take back and recycle a percentage of their Texas market-share; and by providing consumers with convenient alternatives to the disposal of televisions in Texas landfills and incinerators.

SB 694: Metal Recycling

Sen. Royce West

The bill expands the list of regulated metals and authorizes additional documentation, confidentiality, and record keeping provisions for metal recycling entities and provide penalties for non-compliance. The measure requires a seller to provide additional documentation to the metal recycling entity when attempting to sell a regulated material. The bill would modify a metal recycling entities practices for verifying, maintaining, and processing a seller's documentation.

The bill authorizes the Department of Public Safety (DPS) to contract for services to manage the statewide electronic reporting system used to track the sales of regulated metal and provides for the confidentiality of the information maintained in the system.

Finally, the bill expands the list of prohibited acts relating to the regulation of metal recycling entities and provides criminal penalties.

**SB 1258: Disposal of Demolition Waste**

Sen. Robert Duncan

Seeks to address the issue of communities not having the ability to easily demolish abandoned homes and buildings by providing a process authorizing a city or county with a population of 10,000 or less to dispose of demolition waste from an abandoned building or building found to be a nuisance on certain land under certain circumstances.

Water Quality and Pollution Control

HB 240: Preventing Access to On-Site Sewage Disposal Systems

Rep. Tan Parker

Amends the Health and Safety Code to require the TCEQ to adopt rules requiring on-site sewage disposal systems, including risers and covers, installed after September 1, 2012, to be designed to prevent accidental or unintentional access to the system.

HB 451: Don't Mess with Texas Water Program

Rep. Eddie Lucio III

Creates the "Don't Mess with Texas Water Program," administered by the TCEQ that will place signs on major highway water crossings that display a toll-free hotline to report illegal dumping. The bill requires TCEQ to establish a toll-free number hotline that will forward calls to the appropriate law enforcement agency. Furthermore, the legislation authorizes a local government to work with TCEQ to participate in the program and authorizes a participating local government to contribute to the cost of operating the toll-free number hotline.

HB 3372: Rainwater Harvesting Systems Connected to Public Water Supply Systems

Rep. Tracy O. King

Seeks to further water conservation efforts that are critical to meeting future water demands and that would provide citizens who harvest rainwater responsibly a wider range of indoor uses and applications. The goal of the bill is to enable rainwater that has been harvested using appropriate cross-connection safeguards to be used for potable indoor purposes by revising provisions relating to rules for a structure that is connected to a public water supply system and has a rainwater harvesting system.

HB 3391: Rainwater Harvesting and Other Water Conservation Initiatives

Rep. Doug Miller

Seeks to promote the use of rainwater harvesting for both potable and non-potable purposes at public and private facilities in Texas in order to acknowledge the viability, sustainability, and conservation of this natural resource.

SB 430: Notice of Groundwater Contamination

Sen. Robert Nichols

Amends Section 5.236(a), Water Code, to require the Executive Director of the Texas Commission on Environmental Quality, if the executive director acquires information that confirms that a potential public health hazard exists because usable groundwater has been or is being contaminated, to, not later than the 30th day after the date on



which the executive director acquires the information confirming contamination, give written notice to certain parties, including a groundwater conservation district, if the contamination has occurred or is occurring in the jurisdiction of the district.

SB 449: Open-Space Land Devoted to Water Stewardship Purposes

Sen. Kirk Watson

Seeks to create a new valuation option similar to the agricultural and wildlife valuations that would provide a tax incentive for landowners who choose to engage in activities on their property that benefit both water quality and quantity. Since Texas is a private lands state and most of the water in the state either flows through or sits under land that is held by private individuals, it has been suggested that one of the best ways for Texas to protect water is to encourage landowners to be good stewards of the resource which would help the state meet its overall water conservation goals, advance the state water plan, and protect water quality in rivers, streams, and aquifers.

SB 525: Water Quality

Sen. Bob Deuell

Relates to the protection of water quality in certain bodies of water and adds Bois D 'Arc Creek Reservoir to the list of bodies to be protected.

SB 573: Certificate of Convenience and Necessity

Sen. Robert Nichols

Relates to certificates of public convenience and necessity for water or sewer services. The bill creates a new expedited Certificate of Convenience and Necessity (CNN) release process for landowners in counties with a population of 1 million-including adjacent counties, as well as counties with a population of between 200,000 and 220,000, but the process would not apply in a county with a population of 45,500 to 47,500.

SB 1073: Rainwater Harvesting Systems

Sen. Mike Jackson

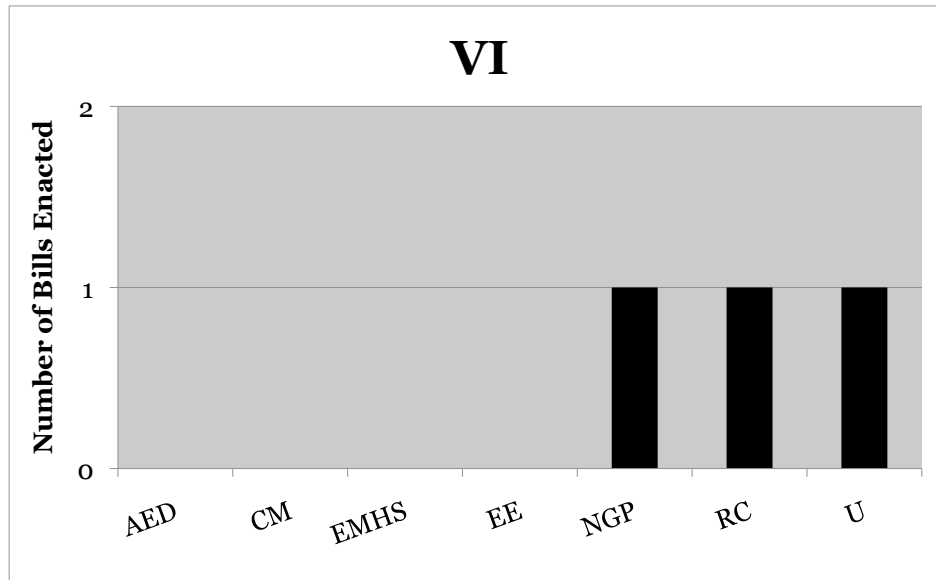
Amends current law relating to rainwater harvesting systems that are connected to public water supply systems by enabling rainwater that has been harvested using the appropriate cross-connection safeguards to be used for potable indoor purposes. This bill furthers water conservation efforts that are critical to meeting future water demands and would provide citizens who harvest rainwater responsibly a wider range of indoor uses and applications.



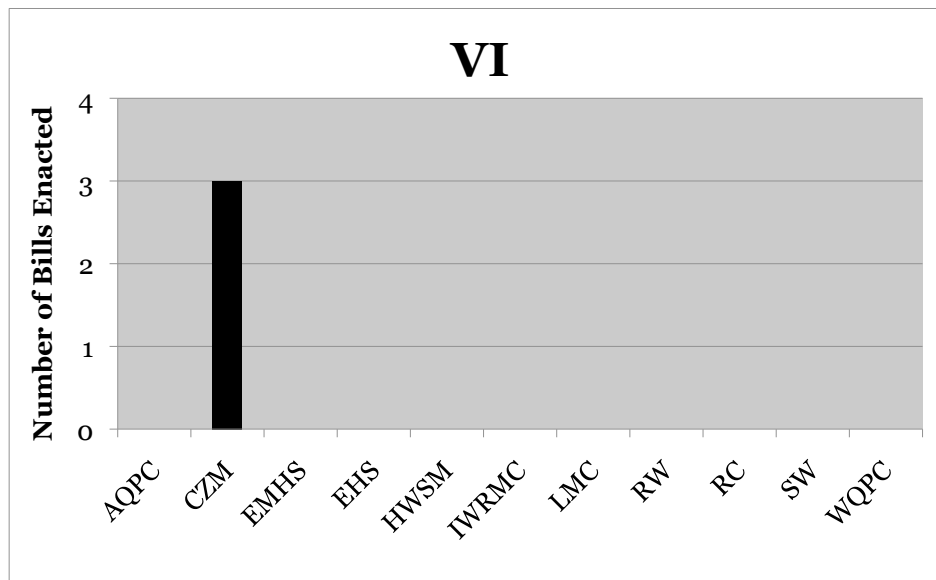
U.S. Virgin Islands

Legislation Category Comparison

Energy Legislation



Environmental Legislation





U.S. Virgin Islands

Energy Legislation

Natural Gas and Petroleum

R1757: Urge the U.S. Congress and President to Allocate Gasoline Excise Tax to Virgin Islands

Sen. Ronald Russell

Petitions the United States Congress and the President of the United States in exercise of their commitment to administer and oversee the entire affairs of the unincorporated territory known as “Virgin Islands of the United States of America” to allocate a portion of the Federal Gasoline Excise Tax to the Territory to establish an energy grid system with the Island of Puerto Rico, St. Thomas, St. Croix and St. John. The federal tax allocation would offer energy relief from fossil fuel dependency and provide the Territory with a more stable and reliable energy system. Additionally, the Territory commits to using the returned portion of the tax for certain purposes including: shoreline, aquifer and water table restoration; energy efficiency initiatives and programs; and developing a green energy model for the Caribbean.

Reorganization and Coordination

B37: Electricity and Administrative Rules

Sen. Nellie Riveria-O'Reilly

Removes the customs duty excise tax exemption for appliances and lighting that use direct current (DC) electricity. The measure also adds a new language regarding the repeal and mandatory update of rules and regulations of any Board or Commission, Department, Division or Agency, including the Virgin Islands Water and Power Authority (WAPA), the Department of Planning and Natural Resources and the VI Public Service Commission.

Utilities

B16: Regarding Electricity Reconnection Charges and Electrical Lines

Sen. Alvin Williams

Limits to not more than \$25, the dollar amount the Virgin Islands Water and Power Authority (WAPA) may charge to reconnect electrical power and water services as of July 1, 2011, and to mandate that where technologically feasible WAPA bury all electrical lines in conjunction with the installation of conduit and fiber-optic lines to ensure sustainability and continuity of utility service in the event of a natural disaster.



U.S. Virgin Islands

Environmental Legislation

Coastal Zone Management

R1760: Ratifying Resolution

Sen. Louis Hill

Ratifies the Coastal Zone Permit CZT-04-10 (L) issued to Impex Trading International, Inc. (d/b/a Sea Chest) authorizing Sea Chest to demolish and remove certain structures, expand existing structures, and use and occupy certain filled submerged land.

R1761: Ratifying Resolution

Sen. Ronald Russell

Ratifies the Coastal Zone Permit CZT-12-90 (W) Modified issued to Diamond Rock Frenchman's Ownership, Inc., also known as, Frenchman's Reef and Morning Star Marriott Beach Resort (the "Resort") authorizing the Resort to remove rock and soil, remove certain structures, install an intake line, and construct a pump house.

R1762: Resolution Urging the Federal Government to Postpone Enactment of MARPOL

Sen. Shaw-Michael Malone

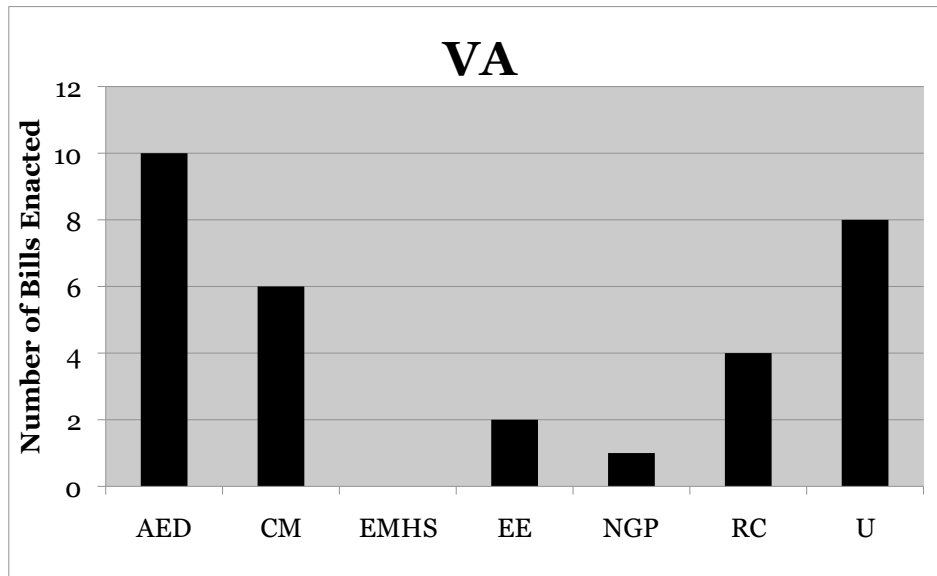
Petitions the President of the United States, United States Congress, and the Department of the Interior to urge the International Maritime Organization to postpone the enactment of the proposed Maritime Organization's International Convention for the Prevention of Pollution from Ships (MARPOL) amendment designating certain waters adjacent to the coasts of Puerto Rico and the U.S. Virgin Islands as an Emission Control Area, until the Government of the U.S. Virgin Islands has had an opportunity to conduct an impact study and to provide comment regarding the proposed MARPOL amendment.



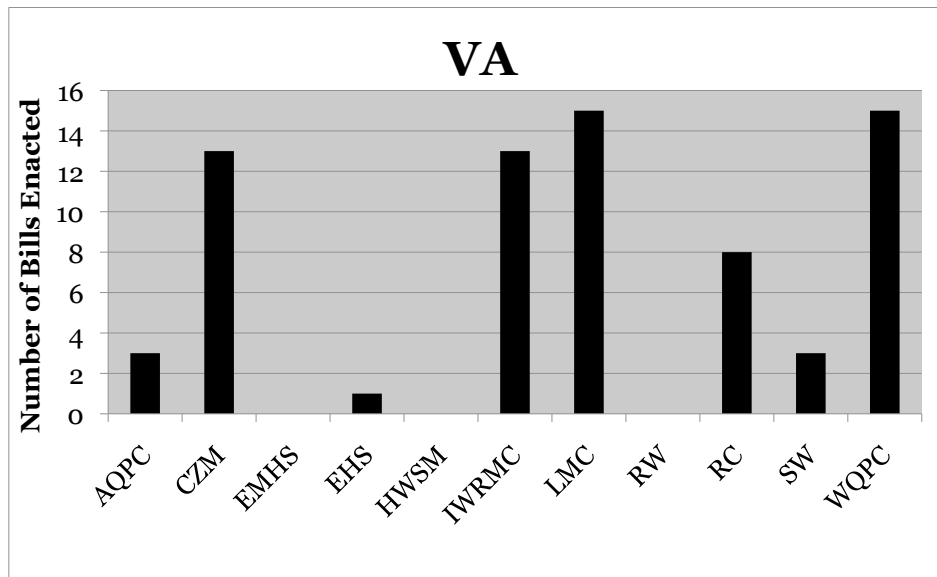
Virginia

Legislation Category Comparison

Energy Legislation



Environmental Legislation





Virginia

Energy Legislation

Alternative Energy Development

HB 1686: Distributed Solar Generation Demonstration Program

Del. David Toscano

Authorizes the State Corporation Commission (SCC) to approve demonstration programs for utility-owned distributed solar generation and to offer special tariffs to facilitate customer-owned distributed solar generation as alternatives to net energy metering. This action requires notice to all affected parties and provides an opportunity for hearing. The bill provides that after such installations cease to be part of a demonstration program, they shall continue to operate as tariffed utility-owned facilities or customer-owned installations.

HB 2282: State Centralized Fleet Conversion

Del. D.W. Marshall

Requires the Director of the Department of General Services in conjunction with the Secretary of Administration and the Governor's Senior Advisor on Energy to develop a plan providing for the replacement of vehicles in the centralized fleet with vehicles that operate using natural gas, electricity, or other alternative fuels.

HB 2389: Financing Renewable Energy Projects

Del. Albert C. Pollard

Adds renewable energy projects to the projects that can be financed by the Virginia Resources Authority. Projects can include solar, wind, biomass, waste-to-energy, and geothermal initiatives.

SB975/HB 2191: Voluntary Solar Resource Development Fund

Sen. Mary Margaret Whipple and Del. Adam Ebbin

Requires the Department of Mines, Minerals and Energy to provide an option for contributions to the Voluntary Solar Resource Development Fund, which is established by this measure. Moneys in the Fund will be loaned for projects that involve the acquisition, installation, or operation of photovoltaic devices, solar water heating devices, or certain solar space heating devices at a residence, a structure occupied by a nonprofit organization, or a commercial establishment. The measure expires July 1, 2016.

SB 1360/HB 2316: Clean Energy Manufacturing Incentive Grant Program

Sen. Walter Stosch and Del. Kathy Byron

Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program effective July 1, 2013, and the Biofuels Production Incentive Grant Program effective July 1, 2017, to create a program that provides financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy,



or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage. A wind energy supplier must make a capital investment of greater than \$10 million and create at least 30 full-time jobs that pay at least the prevailing wage to be eligible for a grant. Solar photovoltaic manufacturing grants based on sales in 2011 are capped at \$1 million.

SB 859: Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact

Sen. Frank Wagner

Repeals the Chapter of the Code of Virginia creating the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. No other state has passed a similar law and so the Compact was never active.

SB 862: Local Renewable Energy Siting Ordinances

Sen. Frank Wagner

Requires that a local ordinances addressing the siting of renewable energy facilities be consistent with provisions of the Commonwealth Energy Policy, provides reasonable criteria to be addressed in the siting of any such facility that generates electricity from wind and solar resources, and includes provisions establishing reasonable requirements on the siting of any such facility. Measures required by the ordinance must be consistent with the locality's existing ordinances.

SB 1134: Offshore Wind Development Authority Membership

Sen. Frank Wagner

Exempts members of the U.S. Armed Forces who serve on the Virginia Offshore Wind Development Authority from a provision barring federal government employees from holding a state office. The measure also clarifies the process by which the Governor appoints to the Authority persons nominated by the Secretary of the Navy.

SB 1236: Clean Fuel Vehicle and Advanced Cellulosic Biofuels Job Creation Tax Credit

Sen. Patricia Ticer

Extends the sunset date of the tax credit from the 2011 taxable year to the 2014 taxable year.

HJ 605: National Offshore Wind Technology Center

Del. John Cosgrove

Expresses the support of the General Assembly for the establishment of a National Offshore Wind Technology Center in Hampton Roads, Virginia.



Coal and Minerals

HB 2477: Mine Workers' Compensation Coverage

Del. Clarence Phillips

Deletes the requirement that the 1980 standard of the International Labour Office (ILO) Classification of Radiographs of Pneumoconiosis be used in determining coal worker's pneumoconiosis, and requires that the current ILO Classification of Radiographs of the Pneumoconiosis be used.

HB 2518: Mine Inspection Tax Credit

Del. James Morefield

Provides an income tax credit to mine operators for personnel expenses incurred when providing employees to accompany or assist a mine inspector or delegate of the Secretary of Labor during mine inspections or reviews.

SB 1025/HB 2123: National Pollutant Discharge Elimination System (NPDES) Permits for Coal Surface Mining Operations

Sen. Phillip Puckett and Del. Charles Poindexter

Clarifies that the authority to issue NPDES permits for coal surface mining operations has been delegated by the State Water Control Board to the Director of the Department of Mines, Minerals and Energy. The Director, by examining the available and relevant data, determines whether a discharge may cause or contribute to an instream excursion above the narrative or numeric criteria of a water quality standard. If a total maximum daily load ("TMDL") has been established for the receiving water body, it must be considered in the reasonable potential determination. If the receiving water body does not have a TMDL established, the Director may consider biological monitoring, chemical monitoring, and whole effluent toxicity testing. Finally, the Director may require whole effluent toxicity testing upon a determination that the discharge adversely affects the biological condition of the receiving water body.

SB 1310/HB 2471: Department of Mines, Minerals and Energy; Coal Mine Safety Act; Penalty

Sen. Phillip Puckett and Del. Charles Poindexter

Updates the Coal Mine Safety Act to reflect current federal law and industry standards. The changes include expanded safety and emergency response plans; circuitry, voltage, and grounding requirements; and a penalty for any person who provides false information during investigations by the Chief of the Division of Mines of the Department of Mines, Minerals and Energy.

SB 1111: Virginia Coal Employment and Production Incentive Tax Credit

Sen. William Wampler, Jr.

Extends from July 1, 2011, to July 1, 2016, the sunset date for the redemption or refund provision of the tax credit, which would allow a person with an economic interest in coal to redeem with the Tax Commissioner that portion of the tax credit that exceeds the person's tax liability.



SB 1392/HB 2237: Electric Utility Ratemaking Incentives; Coalbed Methane Gas

Sen. Phillip Puckett and Del. James Morefield

Authorizes investor-owned electric utilities to earn an enhanced rate of return, equal to 150 basis points above the authorized rate of return, on their investments in generation facilities that are fired at least 50 percent by coalbed methane gas produced from Virginia wells.

Energy Efficiency

HB2105: Electric Vehicle Infrastructure

Del. David Bulova

Addresses public utilities and electric vehicle charging services. The ownership or operation of a facility at which electric vehicle charging service is sold, and the selling of electric vehicle charging service from that facility, does not render the person a public utility, public service corporation, or public service company solely because of that sale, ownership, or operation. This will permit private third parties to develop and sell electric recharging services, which expands the infrastructure available to support the emerging electric vehicle market.

HB 2328/SB 1428: Six-Year Capital Outlay Plan

Del. Scott Lingamfelter

Specifies the process by which agencies' requests for capital projects, which include Projects that improve energy efficiency, are presented to the Six-Year Capital Outlay Plan Advisory Committee and the process the Advisory Committee shall follow.

Natural Gas and Petroleum

SB 1137: Virginia Fuels Tax Exemption for Commercial Watercraft

Sen. Frank Wagner

Clarifies that the exemption from sales and use tax for motor fuels used in commercial watercraft applies to any watercraft owned by a private business and used in the conduct of its business and operations.

Reorganization and Coordination

HB 1773: Veterans Affairs and Homeland Security

Del. Beverly Sherwood

Creates a voluntary contribution provision for Home Energy Assistance Fund. All moneys contributed must be paid to the Home Energy Assistance Fund, which will be to be used to assist low-income Virginians in meeting seasonal residential energy needs.

HB 2324/SB 1485: Virginia Research and Technology Investment Program

Del. Scott Lingamfelter

Amends the Commonwealth Research Commercialization Fund (CRCF) to allow for awards for a matching funds program and an eminent researcher program. The bill also



expands upon the Innovation and Entrepreneurship Investment Authority's (IEIA) current responsibility to develop a strategic roadmap for research in the Commonwealth. The roadmap identifies areas of focus for research investment in the Commonwealth based upon criteria set forth in the bill, which are energy, conservation, environment, microelectronics, robotics and unmanned vehicle systems, advanced shipbuilding, or lifespan biology and medicine, and any awards from the CRCF must fall into one of these areas of focus. The bill establishes a Research and Technology Investment Advisory Committee to assist the IEIA in making awards from the CRCF by ensuring that applications considered for awards are based upon sound science and research, are in an area of focus identified in the roadmap, and present significant potential for commercialization in the Commonwealth.

HB 2367/SB 1368: Telecommunications Services

Del. Timothy Hugo

Exempts telephone companies from provisions relating to energy and capital resource use conservation, standard units of products or service, and fuel purchases.

SB 1375: Contractors

Sen. Frank Wagner

Provides for the licensure of residential building energy analysts by the Board for Contractors. The bill defines residential building energy analysis.

Utilities

HB 1912: Electric Utility Ratemaking Procedures

Del. Jackson Miller

Directs the State Corporation Commission (SCC), when required to approve the construction of an electric utility facility, to consider the economic and job creation objectives of the Commonwealth Energy Policy. The SCC is also directed, when determining the reasonableness or prudence of a utility's use of renewable energy resources, to consider the extent to which the use of such resources furthers the objectives of the Commonwealth Energy Policy and whether the cost of such resources is likely to result in unreasonable increases in rates paid by consumers.

HB 1983: Net Energy Metering

Del. Terry Kilgore

Increases the maximum capacity of an electrical generation facility of a residential customer that qualifies for participation in a net energy metering program from 10 to 20 kilowatts. The measure also provides that a customer-generator whose generating facility has a capacity that exceeds 10 kilowatts must pay a monthly standby charge. A supplier's methodology for assessing a standby charge is required to allow the supplier to recover only the portion of its infrastructure costs that are properly associated with serving the eligible customer-generators. The State Corporation Commission is directed to conduct a proceeding to determine the reasonableness of standby charges.

**HB 2024: Electrical Transmission Lines**

Del. Joe May

Requires that applications to the State Corporation Commission for approval of an electrical transmission line of 138 kilovolts or more include a summary of the applicant's efforts to reasonably minimize adverse impacts on the scenic assets, historic districts, and environment of the area concerned.

HB 2027: Underground Transmission Lines

Del. Joe May

Extends the scheduled expiration of the pilot program established in 2008 for the underground placement of certain electric transmission lines from July 1, 2012, to July 1, 2014. The due date for the State Corporation Commission's final report on the pilot program is postponed until December 1, 2014.

HB 2125/SB 1472: Electric Utilities

Del. Charles Poindexter

Requires the State Corporation Commission to enter its final order in biennial rate review proceedings not more than eight months after the date of filing. Currently, such an order is required to be entered not more than nine months after the end of the investor-owned electric utility's test period under review.

HB 2297: Termination Of Water Services

Del. David Englin

Provides that a public utility providing water service shall not terminate service for nonpayment until it first sends written notice to the customer by mail 10 days in advance of making the termination. In no event shall service be terminated until 20 days after the customer's bill has become due.

SB 921: Property Conveyance

Sen. Ryan McDougle

Authorizes the Virginia Marine Resources Commission to grant and convey a permanent easement and right-of-way across the bed of the Piankatank River and a permanent easement and right-of-way across the bed of the Narrows, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power), for the purpose of installing and operating a submarine electric distribution cable system.

SB 1165/HB 2159: Electric Utility Service

Sen. W. Roscoe Reynolds

Directs the State Corporation Commission to establish limitations on the authority of electric utilities to terminate electric service to the residence of a customer who has a serious medical condition or resides with a family member with a serious medical condition. The Commission is further directed to adopt regulations, by October 31, 2011, to implement the limitations. The regulations will establish a cost recovery mechanism.



Virginia

Environmental Legislation

Air Quality and Pollution Control

HB 1625: Qualified Fumigation Facilities Exempted from Regulations

Del. Barry Knight

Exempts facilities referred to as qualified fumigation facilities from various state and federal regulations. Qualified fumigation facilities conduct commodity fumigation using certain chemicals regulated under the federal Clean Air Act. As required by law and regulation, qualified fumigation facilities are not otherwise exempt under regulations of the State Air Pollution Control Board and have the potential to emit less than 10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants. Qualified fumigation facilities conduct fumigation activities that are, at a minimum, one of the following:

- Performed in buildings or locations within the facility that are no closer than 300 feet from an area regularly occupied by the public,
- Performed in buildings or containers that are sealed during fumigation and that voluntarily employ capture and control technologies for the fumigant emissions, or
- Monitored utilizing equipment and methods recognized as an industry standard or by the National Institute for Occupational Safety and Health.

Qualified fumigation facilities must post signs at the sites of fumigation activities and provide the Department of Environmental Quality with written notice and reports.

SB 1058: Repeal of Laws and Regulations related to the Clean Air Interstate Rule (CAIR)

Sen. Ryan McDougle

Repeals air emissions laws and regulations related to the federal Clean Air Interstate Rule upon the earlier of (1) the date when facilities in the Commonwealth become subject to the requirements of a federal implementation plan adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule or (2) the effective date of a final rule adopted by the State Air Pollution Control Board implementing federal requirements adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule. The bill requires that, in the event the State Air Pollution Control Board develops a final rule to implement federal requirements adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule, the State Air Pollution Control Board shall evaluate the inclusion of a renewable and energy-efficiency source set-aside as part of a new source set-aside when developing such rule.



HR 72: Memorializing Congress Regarding Greenhouse Gas Emissions Regulation

Del. James Morefield

Urges the U.S. Congress to address the proposed regulations of the Environmental Protection Agency in regards to greenhouse gas emissions by:

- Adopting legislation prohibiting EPA by any means necessary from regulating greenhouse gas emissions, including if necessary defunding EPA greenhouse gas regulatory activities;
- Imposing a moratorium on promulgation of any new air quality regulation by EPA by any means necessary, except to directly address an imminent health or environmental emergency, for a period of at least two years, including defunding EPA air quality regulatory activities; and
- Requiring the Administration to undertake a study identifying all regulatory activity that EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all of these regulations on the economy, jobs, and American economic competitiveness.

Coastal Zone Management

HB 1723: Permits for Encroachment on Subaqueous Beds

Del. Barry Knight

Increases the value of projects eligible for an expedited administrative review of permits for encroachment on subaqueous beds before the Virginia Marine Resources Commission from \$50,000 to \$500,000.

HB 1724: Crab Dredging Season

Del. Barry Knight

Authorizes the Virginia Marine Resources Commission to adjust the opening or closing dates of a crab dredge season or to close the crab dredge season for one or more years.

HB 1886: Prohibited Crabbing Area

Del. Paula Miller

Clarifies the boundaries of the prohibited area the taking or catching of crabs.

HB 1943: No Discharge Zones

Del. Albert Pollard, Jr.

Provides that the State Water Control Board's criteria for establishing "no discharge zones" will be based on the improvement of impaired tidal creeks. The bill also describes the actions that must be taken to ensure that there is no discharge of sewage from vessels while in a "no discharge zone." The legislation adds that discharges incidental to the normal operations of a vessel, such as grey water, bilge water, cooling water, deck runoff, etc. do not constitute a violation. No discharge zones prohibit the discharge of sewage or other wastes from boats and vessels on all navigable and non-navigable waters within Virginia.

**HB 1944: Public Oyster Grounds**

Del. Albert Pollard, Jr.

Increases the amount of time from five days to 30 days that the Marine Resources Commission is required to post a public notice before closing a public oyster ground. The public notice requirement does not apply to public rocks closed by the Department of Health or state replenishment programs.

HB 2126: Location of Wetland Mitigation Banks

Del. Albert Pollard, Jr.

Removes the references to an outdated map used to identify mitigation banks and instead uses the more readily identifiable hydrologic unit boundaries of the National Watershed Boundary Dataset.

HB 2310: Conveyance of State-Owned Bottomlands

Del. John Cosgrove

Creates an administrative procedure that allows the Virginia Marine Resources Commission to convey title to filled subaqueous bottomlands if the applicant can provide evidence of lawful depositing of the fill. The bill also removes the requirement that grantees compensate the Commonwealth in an amount equivalent to 25 percent of the assessed value of the specified parcel. Grantees will pay a fee to the Commonwealth in an amount reasonably related to the costs to affect the conveyance. The new procedure does not apply to subaqueous bottomlands filled by a publicly funded initiative and put to a continuing public use such as beach nourishment projects and public landings.

SB 961/HB 1649: Virginia Water Protection Permit Fee Exemption

Sen. Ralph Northam and Del. John Cosgrove

Extend the exemption from fee requirements for a Virginia Water Protection Permit to dredging activities performed by the Department of the Navy. Dredging operations sponsored by the Army Corps of Engineers are already exempted from such fees.

SB 964: Coastal Resource Management

Sen. Ralph Northam

Requires the Marine Resources Commission to establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science (VIMS), will also develop integrated guidance for the management of tidal shoreline systems for the regulatory entities with authority over shoreline management projects. VIMS shall also develop comprehensive coastal resource management guidance for local governments. Those localities in Tidewater Virginia must incorporate such guidance at the next scheduled review of their comprehensive plan.

**SB 963: Aquaculture Opportunity Zones**

Sen. Ralph Northam

Removes the authority of the Marine Resources Commission to establish commercial shellfish aquaculture opportunity zones in which temporary protective enclosures can be placed in the waters off the shores of the Northern Neck, the Middle Peninsula, and Tangier Island.

SB 995: Special Combined Individual Sportfishing Licenses; Boat License

Sen. Richard Stuart

Creates an additional boat license option for special combined individual sportfishing licenses, which allows licensees to fish in all the tidal waters of the Commonwealth. The new license would enable the owner of a recreational boat, in any recreational boat he may own, and his passengers, to fish in the tidal waters of the Commonwealth under one combined license. The cost of the license for residents is \$125 and the cost of the license for nonresidents is \$200. Funds from the licenses will be shared between the Virginia Saltwater Recreational Fishing Development Fund and the Game Protection Fund.

SB 1133: Conveyance of State-Owned Bottomlands

Sen. Frank Wagner

Declares that lands that were once or may have been state-owned bottomlands, were filled prior to July 1, 1960 and were acquired by private persons after the bottomlands were filled, are free and clear of any claimed ownership by the Commonwealth. If a person desires further assurance of title, he may request the conveyance through a special Act of Assembly using the current conveyance procedure. In choosing to obtain the conveyance through this procedure, the person seeking the conveyance would be required to pay the amount equivalent to 25 percent of the assessed value of the specified parcel.

SJR 330: Joint Study on Subaqueous Bottomland

Sen. Ralph Northham

Requests the Virginia Institute of Marine Science and the Virginia Marine Resources Commission to jointly study ways the subaqueous bottomland on the seaside of Virginia's Eastern Shore might be better utilized.

Environmental Health Services**HB 2368: Supplemental Environmental Projects**

Del. R. Lee Ware, Jr.

Authorizes the Virginia Soil and Water Conservation Board, the Director of the Department of Conservation and Recreation, and courts to provide for the undertaking of supplemental environmental projects through judicial and administrative orders. A "supplemental environmental project" is an environmentally beneficial project undertaken as partial settlement of a civil enforcement action that is not otherwise required by law. The project must have a reasonable geographic nexus to the violation or, if no such project is available, advance objectives of the law or regulation violated. Categories of qualifying projects are listed in the bill including public health, pollution prevention and reduction and environmental compliance promotion, as are factors to be



considered in determining the appropriateness and value of a project. The project must be agreed to by the person who is subject to the order and is enforceable as is any other provision of the order. A board, agency, or court decision to agree to a project is not subject to appeal. A similar authority was granted to the Department of Environmental Quality in 1997.

Inland Water Resource Management and Conservation

HB 1737: Regulation of Stormwater Management Systems

Del. David Bulova

Clarifies statutory language and makes technical changes regarding a locality's authority to regulate stormwater management systems.

HB 1739: Right of Entry

Del. David Bulova

Gives the operators of a permitted municipal separate storm sewer system (localities) the right of entry to inspect properties that discharge into their municipal separate storm sewer facilities.

HB 1855: Report on Alternatives to the Breach of Harvell Dam

Del. Rosalyn Dance

Requires the Department of Game and Inland Fisheries prior to any breach of the Harvell Dam on the Appomattox River to prepare a report on the alternatives to the proposed breach of the dam. The report is to be submitted to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources on or before November 30, 2011. Breach means partial removal of a dam creating a channel through the dam.

HB 2326: Waterworks Systems Operation Bonds

Del. L. Scott Lingamfelter

Authorizes the Board of Health's regulations for determining the amount of bonds or escrowed funds required of licensed water suppliers to be based on the age and condition of the system infrastructure and the cost of maintaining, repairing, or replacing such infrastructure. The Board or a local governing body may proceed against the bond or escrowed fund upon the revocation of a waterworks operation permit.

HB 2424: Scenic River Designation

Del. Riley Ingram

Designates a 19.2-mile segment of the Appomattox River in Chesterfield County as a scenic river. The bill does not preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any road or bridge project. Furthermore, the bill provides that the owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.

**SB 766: Water Well Systems Providers**

Sen. Ralph Northam

Clarifies that a water well systems provider is qualified to install, remove or repair geothermal water well systems to the point of connection to the ground source heat pump.

SB 778/HB 1743: Nottoway River Scenic Designation

Sen. Louise Lucas and Del. Roslyn Tyler

Extends that portion of the Nottoway River that is designated as a scenic river from the current 39.5 miles to 72.5 miles. The bill does not preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project.

SB 1412/HB 1829: Virginia Soil and Water Conservation Board

Sen. Stephen Martin and Del. Edward Scott

Increases the voting membership of the Virginia Soil and Water Conservation Board from 10 to 12 by adding three new at-large members and changing the voting privileges of the Director of the Department of Conservation and Recreation from a voting member of the Board to a nonvoting ex officio member. The three new at-large appointees are required to be knowledgeable of stormwater management.

SB 1060: Dam Safety; Regulation of Impoundment Structures

Sen. Ryan McDougle

Allows the Department of Conservation and Recreation (DCR) Director to provide financial assistance for the determination of the hazard classification for impounding structures, dam break analysis, the mapping and digitization of dam break inundation zones, incremental damage analysis, and other engineering requirements such as emergency action plan development. Dam owners whose impounding structure is not classified, or whose impounding structure is already classified but the owner believes that conditions indicate that the hazard potential classification should be reduced, may request that DCR conduct a simplified dam break inundation zone analysis to determine whether the impounding structure has a low hazard potential classification. Dam owners must pay a fee not to exceed 50 percent of the costs for such services. If DCR finds that the impounding structure has a low hazard potential classification, the owner is eligible for a general permit.

SB 1099: Stormwater Nonpoint Nutrient Offsets

Sen. Emmett Hanger, Jr.

Establishes priorities to be used by permit issuing authorities when considering off-site phosphorous control options for stormwater permits. "Permit issuing authority" means the Virginia Soil and Water Conservation Board, the Department of Conservation and Recreation, or a locality that is delegated authority by the Board to issue, deny, revoke, terminate, or amend stormwater permits. The bill provides conditions under which use of an off-site option can be granted. In addition, permit-issuing authorities are to allow the full or partial substitution of nonpoint nutrient offsets for existing on-site nutrient control when the offsets will compensate for 10 or fewer pounds of the annual phosphorous requirement associated with the land-disturbing activity or the existing



on-site controls are not functioning as anticipated and the use of the offset will make up the deficiency. Moreover, the legislation authorizes the acquisition of nonpoint nutrient offsets in compliance actions to compensate for nutrient control deficiencies when nutrient control deficiencies occur during the period of noncompliance and for permanent deficiencies. The prioritization established for existing nutrient reductions at the time of the land-disturbing activity and the conditions under which off-site options may be utilized are limited to those instances when there are nonpoint nutrient offsets available within the locality.

SB 1456: Dam Safety

Sen. Emmett Hanger

Requires owners of dams who submit annual certifications relating to dam compliance to do so each year by January 15. Dam owners who fail to submit certifications in a timely fashion shall not enjoy the presumption that the dam is deemed to be in compliance with the spillway requirements of the Board's impounding structure regulations. Dam owners must also make the same certifications available, upon request and within five business days, to any person. At each meeting of the Soil and Water Conservation Board, the Director of the Department of Conservation and Recreation will identify high-hazard and noncompliant impounding structures.

SB 1216/HB 2425: Delinquent Sewer and Water Fees

Sen. Ralph Smith and Del. Riley Ingram

Requires that prior to recording a lien on an owner's property for a tenant's unpaid water or sewer fees, the water or sewer authority shall provide the owner with 30 days' written notification. The owner can avoid the lien by paying the obligations. If the former tenant pays the authority after the owner already has, the property owner shall be entitled to receive a refund and shall be subrogated against the former tenant in place of the authority in the amount paid by the property owner. Additionally, this legislation requires an authority to notify a property owner, if he so requests, of a tenant's delinquent water bill when a tenant's water bill has become 15 days delinquent. Furthermore, a locality or service authority may not deny service to a new tenant for unpaid fees and charges unless a lien has been recorded against the property owner.

SB 1299/HB 1712: Fishing in Interjurisdictional Waters

Sen. Frank Ruff, Jr. and Del. Thomas Wright

Clarifies that if a person fishes in interjurisdictional inland waters he is subject to the laws of the jurisdiction in which he is fishing.

Land Management and Conservation

HB 1541: Agricultural Animals

Del. Robert Orrock, Sr.

Provides standards of care specifically for agricultural animals that ensure accommodation for customary farming activities. An owner of an agricultural animal is required to provide feed to prevent malnourishment, water to prevent dehydration and veterinary treatment as needed to address impairment of health or bodily function when such impairment cannot be otherwise addressed through animal husbandry. The bill



also clarifies certain procedures for the seizure and impoundment of agricultural animals. It allows agricultural animals whose owner has not met the new adequate care standards to be sold by a local governing body.

HB 1442: Hunting; Practice of Falconry; Penalty

Del. Harvey B. Morgan

Updates state laws on the practice of falconry by removing the limit on possession of more than three raptors; broadening the penalty that applies to the intentional removal of transmitting collars on dogs to include any transmitting device on raptors; and extending the rights of those hunting with dogs that permit the retrieval of such dogs from prohibited lands to those hunting with raptors.

HB 1621/SB 1104: Open-Space Land

Del. Barry Knight and Sen. Emmett Hanger, Jr.

Expands the definition of open-space land in the Open-Space Land Act to include lands provided or preserved for agricultural and forest production.

HB 1715: Notification of Conservation Easement

Rep. Tony Wilt

Removes the requirement that the person recording the conservation easement mail a certified copy to the Attorney General. The bill does require that copies of the easement and any associated plats be mailed to the Commissioner of Revenue for the locality in which the property under easement is located, the Director of the Department of Conservation and Recreation, the Virginia Outdoors Foundation, and any other public body named in the instrument. If the easement is on lands where there is a historic place or landmark listed on the National Register of Historic Places or the Virginia Landmarks Register, notice of the date and place of recordation has to be given to the Department of Historic Resources rather than the Virginia Historic Landmarks Board, which currently receives such notice.

HB 1889: Tracking Dogs

Del. Tony O. Witt

Allows the use of tracking dogs on a lead to find wounded or dead bear or deer during archery, muzzleloader, or firearm bear or deer hunting seasons, so long as those who are conducting the retrieval effort have permission to hunt on or have access to the land and don't have a weapon in their possession.

HB 2370: Multiple-Year Licenses

Del. Barry Knight

Authorizes the Board of Game and Inland Fisheries to issue multiple-year hunting, fishing, or trapping licenses or permits. The costs of these types of licenses cannot exceed the costs of the permits or licenses if they were purchased on an annual basis.

HB 2415: Hunting Licenses for Partially Disabled Veterans

Del. Ward Armstrong

Establishes a special hunting license for resident and nonresident veterans who have a service-connected disability of at least 70 percent as rated by the U.S. Department of



Veterans Affairs. The resident veterans will pay one-half the cost of the annual state basic hunting license and the nonresident veterans will pay one-half the cost of the nonresident basic hunting license.

SB 974: Agricultural Best Management Practices Tax Credits

Sen. Mary Margaret Whipple

Allows a credit against the tax imposed of an amount equaling 25 percent of the first \$70,000 expended for agricultural best management practices by the individual.

Eligible practices include, but are not limited to: Livestock-waste and poultry-waste management, Soil erosion control, Nutrient and sediment filtration and detention, Nutrient management and Pest management and pesticide handling.

SB 979: Land Preservation Tax Credit; Threshold For Verification of Conservation Value

Sen. Mary Margaret Whipple

Provides that the annual report compiled by the Department of Conservation and Recreation on qualified donations of less-than-fee interests include information on riparian buffers required by deed restriction on land qualifying for tax credits.

SB 1232/HB 1820: Land Preservation Tax Credits

Sen. R. Creigh Deeds and Del. R. Lee Ware, Jr.

Provide that the maximum amount of Land Preservation Tax Credits that may be issued in any calendar year by the Department of Taxation shall be \$100 million plus any previously issued credits that have been disallowed or invalidated by the Department. The bill also allows the Tax Commissioner to have a second appraisal conducted on property for which an application for the credit has been made if he provides written notice to the donor within 30 days of the application being filed, and requires that the Tax Commissioner make a final determination within 180 days of such notice.

SB 1153: Land Preservation Tax Credit

Sen. Frederick Quayle

Provides that a land preservation tax credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed.

SB 1300: Conveyance of Property by the Department of Conservation and Recreation

Sen. Frank Ruff, Jr.

Authorizes the Department of Conservation and Recreation to divest itself of certain properties that were conveyed to it by Norfolk Southern Railroad for the High Bridge Trail State Park. These properties have no potential utility to the High Bridge Trail State Park and the divestiture would eliminate any liability to the Department associated with the private use of property by adjacent landowners, which preceded the donation by Norfolk Southern Railroad.



SB 1017/HB 2176: Stocking of Game Animals and Fish

Sen. Phillip Puckett and Del. Clarence Phillips

Require that policies to acquire and introduce any new species of game birds, game animals, or fish on the lands are implemented only with the authorization and cooperation of affected local governments.

SB 982: Endangered and Threatened Species

Sen. Mary Margaret Whipple

Authorizes the Board of Game and Inland Fisheries to adopt regulations that allow the taking, possession, exportation, transportation, or release of fish or wildlife within or among designated experimental populations of a specific species, within the context of an approved conservation plan for the species, and the incidental taking of certain endangered or threatened species of fish and wildlife as long as the project enhances the long-term survival of the species and the taking is at a minimum level. The bill exempts the incidental taking of animals from designated experimental populations from the currently authorized prohibitions and penalties. Prior to this legislation, the Board could permit the taking, transportation, exportation, or possession of any endangered or threatened species of fish or wildlife only for zoological, educational, scientific, or preservation purposes.

SJR 335: Study Dedicated Funding Sources for Land Conservation

Sen. Mary Margaret Whipple

Directs the Joint Legislative Audit and Review Commission to study long-term dedicated funding sources for land conservation. In conducting its study, the Commission is directed to look to other states for innovative funding mechanisms and identify and develop viable options for potential long-term dedicated funding sources for land conservation in the Commonwealth.

Reorganization and Coordination

HB 2372: Flashing Amber Warning Lights on Certain Vehicles

Del. James Edmunds, II

Allows certain state vehicles performing environmental functions to be equipped with flashing amber warning lights. The lights are not to be lit while the vehicle is in motion.

HB 1521: Water Authorities as Political Subdivisions

Del. R. Steven Landes

Specifies that water authorities, sewer authorities, sewage disposal authorities, stormwater control authorities, and refuse collection and disposal authorities are political subdivisions of the Commonwealth.

HB 1522: Water and Waste Authorities and Eminent Domain Powers

Del. R. Steven Landes

Amends the current law so that water and waste authorities have the power to exercise eminent domain as set out in Chapter 2 (§ 25.1-200 et seq.) or Chapter 3 (§ 25.1-300 et



seq.) of Title 25.1 of the Code of Virginia, rather than with the same authority as is vested in the Commonwealth Transportation Commissioner.

HB 1725: Virginia Farmland Preservation Fund

Rep. Barry Knight

Creates the Virginia Farmland Preservation Fund, to consist of funds as may be appropriated by the General Assembly and any other moneys that may be made available from other public or private sources. The funds will be used solely for the purposes of preserving farmland in the Commonwealth and will be administered by the Department of Agriculture and Consumer Services.

SB 1228/HB 1772: Lien for Water and Sewer Charges

Sen. R. Creigh Deeds and Del. James M. Shuler

Adds the Town of Clifton Forge to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien attaches (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

SB 1257: Real Property

Sen. Jill Holtzman Vogel

Changes the State Park Conservation Resources Fund to receive the 50 percent portion of the proceeds from the sale, lease, or conveyance of surplus property owned by the Commonwealth from the fund to the State Park Acquisition and Development Fund. The bill requires the Department of General Services to develop the criteria for and conduct an inventory of all real property owned by state departments, agencies and institutions by January 1, 2012, and update the inventory at least annually thereafter. In addition, the bill requires the Department to provide a listing of surplus real property owned by the Commonwealth on its website with a description of the properties, including parcel identification.

HB 2409: Lien for Water and Sewer Charges

Del. Joseph Johnson, Jr.

Adds the Town of Abingdon to the list of localities that may by ordinance provide that taxes or charges for water or sewer service will be a lien on the real estate served by such waterline or sewer system. See also HB 1772 above.

SB 1119: Permit Compliance

Sen. Donald McEachin

Increases the limit of a civil penalty issued by a special order of the Director of the Department of Environmental Quality from \$10,000 to \$10,000 for an initial violation, \$15,000 for a second violation of the same provision, or \$30,000 for a third or subsequent violation of the same provision. The Department may issue a civil penalty of not more than \$10,000 after providing reasonable notice of the civil penalty in writing and allowing for an informal fact finding proceeding upon request. Additionally, the Department of Environmental Quality is required to develop guidance to improve



communication and coordination between the Department of Environmental Quality and local governments regarding landfills, other than captive industrial landfills, including the issuance of permits.

Solid Waste

SB 1007: Permit Fees for Solid Waste Facilities

Sen. John Watkins

Establishes the same Virginia Department of Environmental Quality fee structure for sanitary landfills, noncaptive industrial landfills, and construction and demolition debris landfills. All of these types of facilities will be required to pay an annual fee of \$0.115 per ton of waste deposited in their facility. Currently, noncaptive industrial landfills pay an annual fee of \$8,000 to DEQ and construction and demolition debris landfills pay \$4,000 annually, while the fee schedule for sanitary landfills is based on the annual tonnage of waste deposited in the landfill. Incinerators and energy recovery facilities will be assessed an annual fee of \$0.055 per ton. The fees will be adjusted annually based on the Consumer Price Index. The bill also increases the annual fee for other types of facilities such as composting, regulated medical waste, transfer stations, etc. In addition, this legislation requires the Department of Environmental Quality to continue its efforts to improve its solid waste program and submit a report to the General Assembly regarding such efforts by December 1, 2011.

SB 1160: Mandatory Connection to Water and Sewer Systems

Sen. Frederick Quayle

Provides that an authority may require adjacent property owners to connect their buildings to the authority's system upon or after the acquisition or construction of the water or sewer system. Currently, the law requires connection to be made upon the acquisition or construction of the water or sewer system.

HB 1626: Onsite Sewage Systems Upgrade

Del. Barry Knight

Allows the owner of an onsite or alternative discharging sewage system that is not failing to obtain a construction permit to improve the system, in accordance with regulations of the Board of Health, provided such upgrade is for the purposes of reducing threats to the public health, or to ground and surface waters, including the reduction of nitrogen discharges.

Water Quality and Pollution Control

HB 1751: Prohibits Use of Phosphorous Containing Lawn Fertilizers

Del. Kenneth Plum

Prohibits the application of fertilizers that contain phosphorus for use on lawns, golf courses, parks, and cemeteries. The prohibition does not apply to fertilizer products primarily intended for gardening, trees, shrubs, or indoor plants. The bill prohibits the application of fertilizer when the ground is frozen. Any fertilizer that runs onto impervious surfaces has to be immediately contained and collected. New lawns or lawns that have had soil tests in the last three years showing phosphorus levels are deficit



based upon Department of Conservation and Recreation's nutrient management standards and criteria can use fertilizers that contain phosphorus. Beginning January 1, 2012, no person can display for sale lawn fertilizer that is labeled as containing phosphorus; however, such products can be stored off the sales floor and may be sold upon request. Also beginning on this date, a business selling fertilizers has to provide signage that informs the public of the new law and noting the effects of phosphorus on state waters. Any person who violates provisions of the new law may be assessed a civil penalty by the Department of Conservation and Recreation of up to \$250. The money collected will be deposited in the Water Quality Improvement Fund.

HB 1830: Agriculture; Resource Management Plans

Del. Edward Scott

Allows owners of agricultural land who implement and maintain a resource management plan to be deemed as being in full compliance with:

- The Federal Clean Water Act requirements addressing benthic, bacteria, nutrient, or sediment impairments;
- The Virginia Chesapeake Bay Total Maximum Daily Load (TMDL) Watershed Implementation Plan; and
- Applicable state water quality requirements for nutrients and sediment. Resource management plans involve voluntary assessments of what each farmer is doing to control pollutants: fertilizer runoff, eroding soils, animal wastes, etc., and what can be done to curb them.

The presumption of compliance does not prevent or preclude enforcement of provisions pursuant to:

- A resource management plan otherwise required by law,
- A Virginia Pollutant Discharge Elimination System permit,
- A Virginia Pollution Abatement permit, or
- Requirements of the Chesapeake Bay Preservation Act. The Soil and Water Conservation Board shall by regulation, and in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Quality, specify the criteria to be included in a resource management plan. Information supplied under a Plan is presumed proprietary.

HB 2058: Water Quality Reports

Del. Charles Poindexter

Consolidates several reports on the progress in cleaning up Virginia's impaired waters into semiannual and annual reports submitted by the Secretary of Natural Resources to the legislative oversight committees.

HB 2173/SB 1024: Drinking Water Consumer Confidence Reports

Del. Clarence Phillips

Requires the Board of Health to include in its regulations governing waterworks, water supplies, and pure water a process whereby waterworks serving fewer than 10,000 people may seek and the Board may grant a waiver of the requirement that the waterworks mail copies of its consumer confidence report to each customer of the waterworks at least once annually and provides for an alternate means of notifying



customers of the existence of the consumer confidence report in a newspaper of general circulation or by other means as the Board may deem appropriate.

HB 2290: Virginia Property Owners' Association Act; Notice to Lot Owners of Pesticide Use

Del. Mark Sickles

Requires the association to post notice of all pesticide applications in or upon the common areas at least 48 hours prior to the application.

SB 843/HB 2103: Aboveground Storage Tanks

Sen. J. Chapman Petersen and Del. David Bulova

Requires the State Water Control Board to develop standards for facilities with aboveground storage tanks in the City of Fairfax having an aggregate capacity of one million gallons or greater, and existing prior to January 29, 1992, to upgrade to meet best practices standards for new or retrofitted tanks. The tanks have to meet these performance standards by July 1, 2021.

SB 990/HB 2057: Regulation of Fertilizer

Sen. Richard Stuart and Del. Charles Poindexter

Revises the laws governing the manufacture and application of fertilizer to: (i) incorporate by reference the guidelines adopted by the Association of American Plant Food Control Officials, (ii) adopt generic precautionary labeling guidelines to prevent fertilizer runoff into the waterways, (iii) shift the permit year to begin on April 1 instead of July 1, (iv) require distributors of commercial fertilizer to submit an annual statistical report to the Commissioner regarding the amounts and localities of distributed product, (v) allow the Commissioner to issue written notices or warnings in lieu of instituting formal proceedings, (vi) authorize the Board to impose a civil penalty of up to \$250 on anyone who violates a written stop sale, and (vii) allow the imposition of late fees for failing to renew a registration, license, or permit and for failing to obtain a registration, license, or permit after receiving notice of this requirement.

SB 1064/HB 1495: Erosion and Sediment Control Plans

Sen. John Edwards and Del. Onzlee Ware

Authorizes water, sewer, sewage disposal, stormwater control, refuse collection, and disposal authorities to file a general erosion and sediment control plan annually with the Virginia Soil and Water Conservation Board. The Board may also charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.

SB 1055/HB 1831: Regulation of Fertilizer Application and Labeling

Sen. Richard Stuart and Del. Edward Scott

Prohibits the sale, distribution and use of lawn maintenance fertilizer containing phosphorus beginning December 31, 2013. The prohibition does not apply to starter fertilizer, manipulated manure, yard waste compost, products derived from sewage sledge, soils containing fertilizer and fertilizer products intended for gardening, tree, shrub and indoor planting application, including nurseries, or reclaimed water. Also, beginning on December 31, 2013, it will be unlawful to offer for sale any deicing agent



containing urea, nitrogen, or phosphorus intended for application on parking lots, roadways, and sidewalks, or other paved surfaces. However, retailers are allowed to sell their existing inventory of lawn maintenance fertilizer and deicing agents. On this date, a label will be required on bags of lawn fertilizer that states that the product should not be applied near storm drains or drainage ditches or when heavy rain is expected.

The Board of Agriculture and Consumer Services will be required to establish reporting requirements for contractor-applicators and licensees who apply lawn fertilizer to more than 100 acres of nonagricultural lands annually. The report will include the total acreage or square footage and the location of where the fertilizer is being applied. The bill requires golf courses to implement nutrient management plans by July 1, 2017. The plans are to be submitted to the Department of Conservation and Recreation for review and approval. The Department is to provide technical assistance and training for golf course operators. The agency will also have to establish a cost-share program to assist in implementation of the nutrient management plan.

The Department of Agriculture and Consumer Services is authorized to develop consumer information and to recommend best practices for the application of lawn fertilizer. The agency is also required to provide a public listing of contractor-applicators who apply fertilizer on nonagricultural lands and have met the training requirements.

Finally, the bill prohibits localities from further regulating (i) contractor-applicators who are in compliance with the fertilizer laws, (ii) golf courses that have approved nutrient management plans, and (iii) agricultural operations with a resources management plan or a nutrient management plan. If localities find it necessary to adopt more stringent stormwater ordinances, they will have to report this fact to the Virginia Soil and Water Conservation Board.

SB 1100: Water Quality Improvement Fund

Sen. Emmett Hanger, JR.

Creates the Nutrient Offset Fund as a subfund of the Virginia Water Quality Improvement Fund to be administered by the Director of the Department of Environmental Quality for the purchase of nutrient reductions certified under the Chesapeake Bay Watershed Nutrient Credit Exchange Program. Using moneys from the subfund, the Director of the Department of Environmental Quality may enter into long-term contracts with producers of nutrient offsets to purchase such offsets. Priority shall be given to nutrient offsets produced from facilities that generate electricity from animal waste. The nutrient offsets purchased with money from the subfund will be available for sale to owners or operators of new or expanded facilities required to offset nutrient loads through the watershed general permit.

**SB 1102: Point Source Nutrient Trading**

Sen. Emmett Hanger, Jr.

Exempts from the "two-for-one" rule, point source nutrient removal technologies such as manure gasifiers that are being used by nonpoint sources (a farm) to generate and sell nutrient allocation offsets. The current Chesapeake Bay Watershed Nutrient Credit Exchange Program requires that two pounds of a nutrient be purchased for each pound to be offset when the allocation is purchased from a nonpoint source.

SB 1298/HB 1828: Virginia Pollution Abatement Permit Inspection Requirements

Sen. Frank Ruff, Jr. and Del. Edward Scott

Removes the rule that the Department of Environmental Quality must inspect all facilities covered by a Virginia Pollution Abatement Permit for water pollution annually for confined animal feeding operations or at least once every five years for all others. The bill sets a new standard that all facilities should be inspected to ensure compliance with statutory, regulatory, and permit requirements.

SB 1427: Criteria for Water Reuse

Sen. Emmett Hanger, Jr.

Requires the Secretary of Natural Resources, in developing written guidelines for awarding grants from the Water Quality Improvement Fund, to develop guidelines that define criteria and financial incentives for water reuse.

SB 1441/HB 2486: Plan for Impaired Waters

Sen. Mark Obenshain and Del. John Cox

Requires that the plan developed and implemented to restore impaired waters, i.e. waters that do not meet water quality standards, be controlling unless it is amended or withdrawn by the State Water Control Board.

SB 1021/HB 2519: Virginia Water Protection Permits; Multiagency Review

Sen. Phillip Puckett and Del. James Morefield

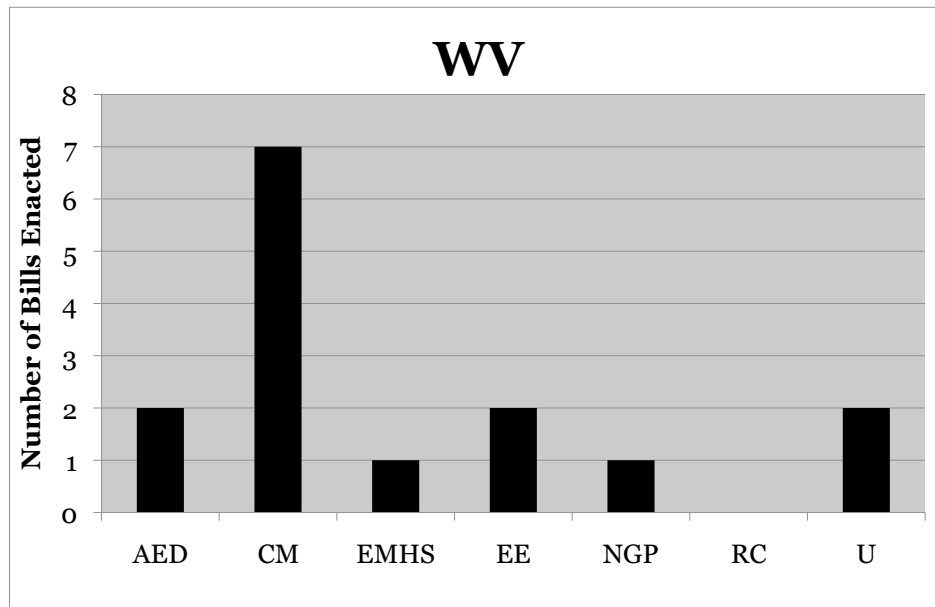
Requires that agencies having an opportunity to comment on a Virginia Water Protection permit submit such comments within 45 days or be deemed as having approved the permit without further opportunity to comment. Currently, agencies such as the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, the Department of Health, and the Department of Agriculture and Consumer Services must provide comments within 45 days, but the consequences of a failure to do so in a timely manner are not set out.



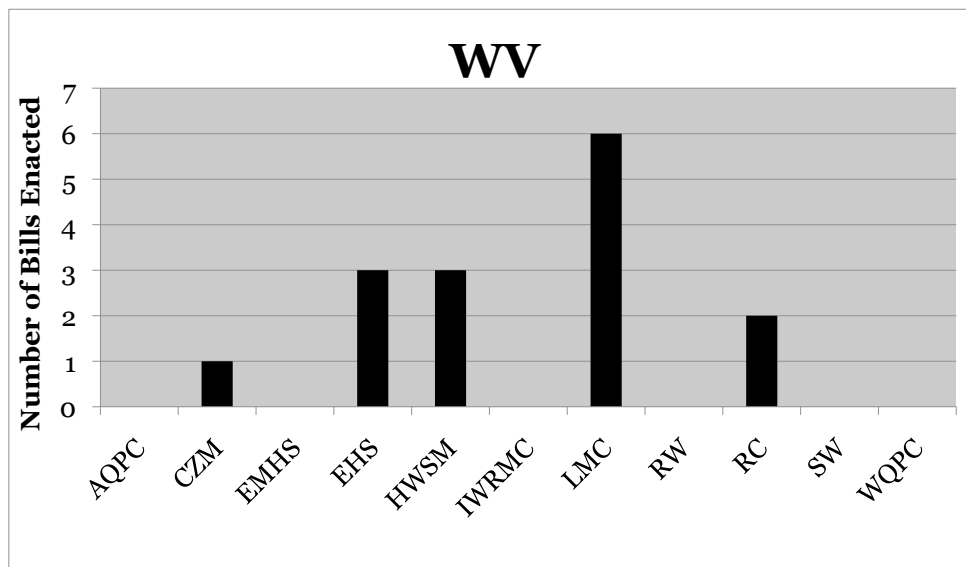
West Virginia

Legislation Category Comparison

Energy Legislation



Environmental Legislation





West Virginia

Energy Legislation

Alternative Energy Development

SB 484: Technology Park

Sen. Brooks McCabe

Provides the Policy Commission with the authority necessary to carry out its responsibilities related to the operation of the Technology Park. The bill authorizes the Commission to enter into agreements and other contractual relationships with an affiliated corporation in order to achieve maximum efficiency in managing the Technology Park.

The Technology Park is a diversified, multi-tenant research, development and commercialization park focused on energy, chemicals and other sciences and technologies for the advancement of education and economic development in West Virginia. The areas of primary research and development include energy, chemicals and materials and biotechnology.

SB 330: Higher Education

Sen. Robert Plymale

Relates to higher education personnel. Among other things, the bill requires higher education boards to maximize all federal or grant funds available for research regarding alternative energy sources.

Coal and Minerals

HB 2953: Coalbed Methane Severance Tax Proceeds

Del. Brooks Thompson

Relates to dedication of Coalbed Methane Severance Tax proceeds, redirects such tax revenues to county economic development authorities or county commissions, and provides calculation methods for revenue distributed to producing counties. The law provides that the distribution may not exceed the amount of severance tax received in any fiscal year, prohibits certain expenditures by county economic development authorities and county commissions.

HB 2437: Mining Safety Equipment

Del. Mike Caputo

Requires a study related to a mandate that would utilize a device causing underground mining machines to shut-off when methane is detected.

**HB 2888: Mine Worker Whistleblower Protection**

Del. Bill Hamilton

Requires study for the protection of whistleblowers of unsafe working conditions in mines and directs the Office of Miners Health Safety and Training to conduct an interim study.

HB 2955: Mining Fees and Tax Credits

Del. Mike Caputo

Provides a tax credit for purchase of innovative mine safety equipment. The legislation requires a list of approved innovative mine safety technology, authorizes tax credits, while providing criteria for qualified investments. This bill calls for forfeiture of unused tax credits, or transfer of certified eligible safety property to successors. The law allows increased and new fees on coal mining operators by the Division of Mining and Reclamation and provides for and requires certain permits and applications relating to coal mining.

SB 234: Municipal Economic Opportunity Development District Act

Sen. Jeffrey Kessler

Revises the Municipal Economic Opportunity Development District Act. One revision includes “mining operations” in the definition of “remediation” and includes remediation of former coal or other mining sites as a permissible development expenditure for a project.

SB 1002: Coal Severance Tax Allocations

Sen. Jeffrey Kessler

Allocates a portion of the coal severance tax to the county of the coal’s origin for infrastructure and development projects. It will return 5 percent of coal severance taxes, up to a total \$20 million per fiscal year, back to coal producing counties based on a formula taking each county's production into account.

SR 10: Recommendation to the EPA

Sen. Jeffery Kessler

Urges U. S. EPA to reconsider January 13, 2011, action to veto permit issued by U. S. Army Corps of Engineers for Spruce Mine.

Emergency Management and Homeland Security**SB 192: Price Gouging**

Sen. Evan Jenkins

Protects consumers from price gouging and unfair pricing practices, specifically the sale of gasoline or other motor fuels during a "state of emergency." The bill also creates an alternative pricing formula for fuel suppliers.



Energy Efficiency

SB 263: Special Plates on Development Vehicles

Sen. Robert Beach

Relates to special plates for testing of vehicles operated by certain nonprofit corporations engaged in research and development of motor vehicles, special fuels or equipment for motor vehicles. The provisions provide that such corporations issuing a special plate are not required to comply with the bond or dealer recovery fund required for that vehicle. The bill requires vehicles to be insured, but exempts vehicles from safety inspections.

HB 2709: Schools Energy Saving Contracts

Del. Ray Cantubury

Allows county school boards the ability to enter into, energy saving contracts for up to a fifteen-year term. They may do so with firms or corporations experienced in the design, implementation and installation of energy conservation measures.

Natural Gas and Petroleum

SB 465: Amendments to the Marcellus Gas and Manufacturing Development Act

Sen. Brooks McCabe

Amends the Marcellus Gas and Manufacturing Development Act, which creates personal property tax credit for horizontal drilling rigs and related equipment. The amendment details the valuation of oil and gas drilling rigs, basing that value on a nationally recognized guide or bulletin published during the calendar year of assessment. The bill reinstates the alternative fuel motor vehicle tax exemption, which includes plug in electric vehicles and those considered “bi-fueled” which operate on alternative fuels and other fuels.

This legislation also creates a tax credit for alternative fuel refueling facilities and infrastructure when generally accessible for public use. It provides for distribution of excess oil and gas severance tax collections for maintenance of highways and permitting inspection of shale gas wells. The language amends the definition of research and development for strategic research and development tax credit, as well as the definition of manufacturing for manufacturing investment tax credit, detailing the amount of credit allowed for manufacturing investment.

Utilities

HB 2663: Water Utilities

Del. Ricky Moya

This bill includes provisions that:

- Allow private water companies regulated by the Public Service Commission to offer discounted water services to qualified low-income customers;



- Provide certain tax credits to private water companies extending such discounts to qualified low-income customers;
- Add the cost of providing discounted water utility services by private water companies to qualified low-income residents to matters that the commission must certify;
- Place the burden of proving eligibility to receive special reduced rates on the customer requesting the reduced rates;
- Provide for the establishment of rules and procedures by the Public Service Commission to implement a reduced rate program for private water utilities and their qualified low-income residential customers;
- Require the Department of Health and Human Resources to establish rules and procedures related to the special reduced water rate program and verifying applicants' eligibility to receive such discounts; and
- Provide for establishment of rules by the Tax Commissioner as necessary to implement said reduced rate program and its associated tax credits.

HCR 149: Transmission Lines

Del. Mike Manypenny

Urges the Public Service Commission to review the condition of the Pruntytown to Mt. Storm 500kV transmission line, and orders the rebuilding, and reconductoring of that transmission line as soon as it is practical.



West Virginia

Environmental Legislation

Coastal Zone Management

SB245: Protection of Chesapeake Bay Watershed

Sen. Jeffery Kessler

Relates to protection of Chesapeake Bay Watershed, increases the bonding authority of the Water Development Authority and increases amount of excess lottery revenue deposited to the infrastructure fund. The bill provides for distribution to the infrastructure fund where excess lottery revenue shortfall occurs; authorizes revenue bonds for Chesapeake Bay Watershed projects; establishes grant guidelines; and establishes a deadline for publicly owned wastewater facilities to submit a capital funding plan.

Environmental Health Services

HB 3126: Railroad Pesticides

Del. Brent Boggs

Requires that no later than seven days before applying a pesticide to a right-of-way that a railroad company owns or maintains that the company must provide pesticide safety information, which may be obtained by the railroad company's contracted pesticide applicator. This should be done by postings at affected on-duty railroad locations and through train bulletins, dispatcher messages, or other required documentation for each train and engine crew that will be working in the affected pesticide spray areas.

SB 349: Adding Agents to Antifreezes

Sen. William Laird IV

Requires engine coolants or antifreezes manufactured in West Virginia after January 1, 2012, or sold after that date within West Virginia that contains more than ten percent ethylene glycol shall include not less than thirty parts per million and not more than fifty parts per million denatonium benzoate as a bittering agent in order to render the coolant or antifreeze unpalatable.

SR 47: Restricting EPA Powers

Sen. Richard Browning

Supports legislation by U.S. Senator Rockefeller and U.S. Senator Manchin restricting power of the United States Environmental Protection Agency and declaring that the West Virginia Senate:

- Supports and endorses the EPA Stationary Source Regulations Suspensions Act introduced by Senator Rockefeller with the support of Senator Manchin and urges the members of the West Virginia Delegation to Congress and the President



of the United States to take all actions necessary to ensure the timely passage of such legislation;

- Supports and endorses the legislation Senator Manchin has announced he will introduce clarifying that the EPA does not have the authority to veto a previously awarded Section 404 permit and urges the members of the West Virginia Delegation to Congress and the President of the United States take all actions necessary to ensure the timely passage of such legislation;
- Expresses the sentiment that mining in West Virginia can be done safely, efficiently and profitably while protecting the water and air quality of the state; and
- Supports the use of science-based data to determine the amount of nutrients and sediment attributable to West Virginia as part of the reduction plan used to improve the Chesapeake Bay.

Hazardous Waste and Substance Management

HB 2871: Brownfield Economic Development Districts

Del. Tiffany Lawrence

Requires that an application to the West Virginia Development Office (WVDO) for Brownfield Economic Development Districts involving brownfields or voluntary remediation sites may not be approved unless the district conforms to county or municipality planning and zoning laws. Also, when designated as a District by the WVDO, it must be demonstrated that the district will create significant economic development activity. "Brownfield" means any industrial or commercial property which is abandoned or not being actively used by the owner as of the effective date of this article, but shall not include any site subject to a unilateral enforcement order under §104 through §106 of the "Comprehensive Environmental Response, Compensation and Liability Act", 94 Stat. 2779, 42 U.S.C. §9601, as amended, or which has been listed or proposed to be listed by the United States Environmental Protection Agency on the priorities list of Title I of said Act, or subject to a unilateral enforcement order under §3008 and §7003 of the "Resource Conservation Recovery Act" or any unilateral enforcement order for corrective action under this chapter.

SB 366: Related to Underground Storage Tank Fund

Sen. Mike Green

Amends and reenacts 22-17-20 of the Code of West Virginia, 1931, as amended the Underground Storage Tank Administrative Fund, which collects up to \$65 dollars per tank and raises the balance allowed in this fund at the beginning of each year from \$500,000 to \$1 million.

SB 121: Authorizing DEP to Promulgate Legislative Rules

Sen. Joseph Minard

Authorizes the Department of Environmental Protection (DEP) to promulgate legislative rules relating to:

- Hazardous waste management systems;
- Surface mining reclamation;
- Ambient air quality standards;



- Permits for construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration;
- Standards of performance for new stationary sources;
- Control of air pollution from combustion of solid waste;
- Permits for construction and major modification of major stationary sources of air pollution which cause or contribute to nonattainment;
- Control of air pollution from hazardous waste treatment, storage and disposal facilities;
- Emission standards for hazardous air pollutants;
- The National Pollutant Discharge Elimination System (NPDES) Program;
- Requirements governing groundwater standards; and
- Monitoring well design standards.

Land Management and Conservation

HB 2845: Seniors Fishing and Hunting License Exemption

Del. Larry Williams

Creates a senior resident lifetime hunting, fishing and trapping license that will cost \$25. Also, the measure allows persons who are sixty-five years of age before January 1, 2012 to remain exempt from the purchase of a license.

HB 2986: Forest Fire Seasons

Del. William Hartman

Relates to forest fire seasons and modifies prohibited and permissible fire times and forest fire seasons. The bill revises the procedure for obtaining a burning permit, establishing permit fees for certain entities and exempting agriculture from permit fees. The bill sets forth fire control requirements and establishes criminal and civil penalties.

HB 3000: Hunting Methods

Del. Stan Shaver

Makes it lawful to hunt coyotes with a green colored light.

SB 235: County Economic Opportunity Development District Act

Sen. Jeffrey Kessler

Revises the County Economic Opportunity Development District Act. The bill defines the term “remediation” and includes remediation of landfills, former coal or other mining sites, solid waste facilities or hazardous waste sites as permissible development expenditures for approved projects. The measure also changes the standard by which the maximum amounts of reserves that may be established in the financing of a project are measured; reduces the amount of capital investment required for project approval and provides that the Development Office cannot approve a project involving remediation unless all development expenditures proposed within a certain time frame result in more than \$25 million in capital investment in the district.

The bill also states that the Development Office may not approve a project involving remediation unless the county commission submits clear and convincing information



that the proposed remediation expenditures to be financed with bonds or notes do not constitute more than twenty-five percent of a project's total development expenditures. Finally, the bill allows for minor modifications of districts without public hearing or approval by the Development Office or the Legislature under certain circumstances.

SB 357/ HB 2945: Tagging River Otter

Sen. William Laird IV and Del. Joe Talbott

Add river otter to the species, which must be checked at an official game, check station.

SB 358: Authorizing Electronic Registration of Wildlife

Sen. William Laird IV

Allows that persons required to deliver wildlife to an official checking station may, in accordance with this law electronically register the wildlife in lieu of the delivery to an official checking station.

Reorganization and Coordination

SB 458: Logging Sediment Control Act Update

Sen. William Laird IV

Updates the Logging Sediment Control Act. The bill increases licensure and certification fees, requires the Division of Forestry to report certain information to the Tax Commissioner on a monthly basis, requires the Director of the Division of Forestry to notify the Director of the Division of Water and Waste Management of the Department of Environmental Protection of licensure suspension or revocation within thirty days and establishes renewal of licensure and certification on a biennial basis. The Director of Division Forestry is permitted discretion to immediately suspend a timbering operator or operation, or any part of a timbering operation, in any part of the state and to convene a committee to review best management practices at least every five years.

SB 460: Law-Enforcement Requirements of the Division of Forestry

Sen. William Laird IV

Clarifies that Division of Forestry natural resources' police officers are under the control and direction of the Director of the Division of Forestry and permits the Director to enter into memorandums of understanding with other law enforcement agencies. Lastly, the bill clarifies the duties of the director.



Southern States Energy Board

The Southern States Energy Board is a non-profit interstate compact organization created in 1960 and established under Public Laws 87-563 and 92-440. The Board's mission is to enhance the quality of life in the South through innovations in energy and environmental policies, programs and technologies. As an institution that has led to economic growth in the South, SSEB endeavors to reach the goal of sustainable development by implementing strategies that support its mission. SSEB develops, promotes and recommends policies and programs that ensure energy reliability and security and protect and enhance the environment.

Sixteen southern states and two territories comprise the membership of SSEB: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, Virgin Islands and West Virginia. Each jurisdiction is represented by the Governor and a legislator from the House and Senate. A Governor serves as Chairman and legislators serve as Vice Chairman and Treasurer. Ex-officio, non-voting board members include a federal representative appointed by the President, the Southern Legislative Conference Energy and Environment Committee Chairman and SSEB's Executive Director, who serves as Secretary.

SSEB was created by state law and consented to by Congress with a broad mandate to contribute to the economic and community well being of the citizens of the southern region. The Board exercises this mandate through the creation of programs in the fields of energy and environmental policy research, development and implementation, science and technology exploration and related areas of concern. SSEB serves its members directly by providing timely assistance designed to develop effective energy and environmental policies and representing members before governmental agencies at all levels.



2010-2011 Executive Committee

The list of members below reflects officials who serve the Board as of July 1, 2011. For a current roster, please contact the SSEB staff or visit our website at www.sseb.org.

Chairman

The Honorable Robert McDonnell, Governor of Virginia

Vice-Chair

Representative Rocky Adkins, Commonwealth of Kentucky

Treasurer

Representative Myra Crownover, Texas

Member, Executive Committee

The Honorable Haley Barbour, Governor of Mississippi

Member, Executive Committee

The Honorable Jay Nixon, Governor of Missouri

Member, Executive Committee

Senator Robert Adley, Louisiana

Member, Executive Committee

Senator Thomas McLain (Mac) Middleton, Maryland

Member, Executive Committee

Representative Harry Geisinger, Georgia

Member, Executive Committee

Representative Jim Ellington, Mississippi

Chair, SLC Energy & Environment Committee

Representative Charles Martin, Georgia •

Federal Representative

The Honorable Linda Key Breathitt •

Secretary

Kenneth J. Nemeth, Executive Director, SSEB •

- *Ex-Officio, Non-Voting Executive Committee Members*



Members of the Board

Alabama

The Honorable Robert Bentley, Governor
Senator Jimmy W. Holley
Senator Cam Ward (Alternate)
Representative Randy Davis
Representative Pete B. Turnham, Emeritus (Alternate)
Representative Micky Hammon (Governor's Alternate)

Arkansas

The Honorable Mike Beebe, Governor
Senator Eddie Joe Williams
Representative Tiffany Rogers
Mr. Marc Harrison (Governor's Alternate)

Florida

The Honorable Rick Scott, Governor
Senator Lizbeth Benacquisto
Representative Clay Ford
Governor's Alternate (*pending appointment*)

Georgia

The Honorable Nathan Deal, Governor
Senator David Shafer
Senator Mitch Seabaugh (Alternate)
Representative Harry Geisinger
Representative Lynn Smith (Alternate)
Ms. Jill Stuckey (Governor's Alternate)

Kentucky

The Honorable Steve Beshear, Governor
Senator Brandon Smith
Representative Rocky Adkins
Dr. Leonard K. Peters (Governor's Alternate)

Louisiana

The Honorable Bobby Jindal, Governor
Senator Robert Adley
Representative Joe Harrison
Representative Noble E. Ellington (Alternate)
Mr. William "Bill" Dore (Governor's Alternate)

Maryland

The Honorable Martin O'Malley, Governor
Senator Thomas McLain (Mac) Middleton
Delegate Dereck E. Davis
Mr. Malcolm Woolf (Governor's Alternate)

Mississippi

The Honorable Haley Barbour, Governor
Senator Nolan Mettetal
Representative Jim Ellington
Mr. Patrick Sullivan (Governor's Alternate)

Missouri

The Honorable Jay Nixon, Governor
Senator Mike Kehoe
Representative Jeanie Riddle
Mr. Jeff Harris (Governor's Alternate)

North Carolina

The Honorable Bev Perdue, Governor
Senator Robert "Bob" Rucho
Representative Mitch Gillespie
Ms. Jennifer Bumgarner (Governor's Alternate)

Oklahoma

The Honorable Mary Fallin, Governor
Senator David F. Myers
Representative Weldon Watson
Mr. C. Michael Ming (Governor's Alternate)

Puerto Rico

The Honorable Luis G. Fortuño, Governor
Mr. José Rafael Díaz
Mr. Luis Bernal (Governor's Alternate)

South Carolina

The Honorable Nikki Haley, Governor
Senator Lawrence Grooms
Representative William E. Sandifer
Ms. Ashlie Lancaster (Governor's Alternate)

Tennessee

The Honorable Bill Haslam, Governor
Senator Mark Norris
Representative John Ragan
Governor's Alternate (*pending appointment*)

Texas

The Honorable Rick Perry, Governor
Senate (*pending appointment*)
Representative Myra Crownover
Mr. Michael L. Williams (Governor's Alternate)

Virgin Islands

The Honorable John P. deJongh, Governor
Mr. Bevan R. Smith, Jr. (Governor's Alternate)

Virginia

The Honorable Robert F. McDonnell, Governor
Senator John C. Watkins
Delegate Harry R. Purkey
Ms. Maureen Matsen (Governor's Alternate)

West Virginia

The Honorable Earl Ray Tomblin, Governor
Senator Mike Green
Delegate Linda Goode Phillips
Mr. John F. Herholdt (Governor's Alternate)

